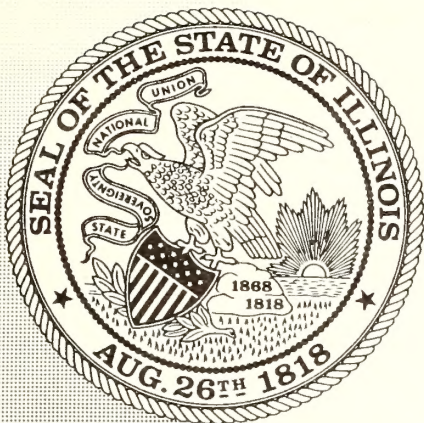
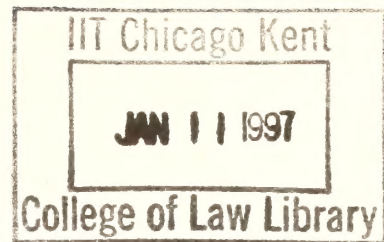


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Scott Livingston



1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 02 — January 10, 1997

Pages 516 - 731

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
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TABLE OF CONTENTS

January 10, 1997 Volume 21, Issue 2

PROPOSED RULES

CORRECTIONS, DEPARTMENT OF

Health Care

20 Ill. Adm. Code 415516

School District #428

20 Ill. Adm. Code 405518

NATURAL RESOURCES, DEPARTMENT OF

White-Tailed Deer Hunting By Use Of Bow And Arrow

17 Ill. Adm. Code 670520

White-Tailed Deer Hunting By Use Of Firearms

17 Ill. Adm. Code 650531

White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles

17 Ill. Adm. Code 660542

PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children

89 Ill. Adm. Code 112549

Aid To The Aged, Blind Or Disabled

89 Ill. Adm. Code 113552

General Assistance

89 Ill. Adm. Code 114555

Medical Assistance Programs

89 Ill. Adm. Code 120558

ADOPTED RULES

EMPLOYMENT SECURITY, DEPARTMENT OF

Determination Of Unemployment Contributions

56 Ill. Adm. Code 2770561

Disqualifying Income And Reduced Benefits

56 Ill. Adm. Code 2920567

NATURAL RESOURCES, DEPARTMENT OF

Advertising In Department Publications

17 Ill. Adm. Code 2650573

Duck, Goose And Coot Hunting

17 Ill. Adm. Code 590578

OFFICE OF BANKS AND REAL ESTATE

Acquisition Of Former Main Banking Premises Or Branches Of Eligible Depository Institutions

38 Ill. Adm. Code 307, Repeal602

Americans With Disabilities Act Grievance Procedure

4 Ill. Adm. Code 1100, Repeal603

Posting Notice Of A Proposed Acquisition	
38 Ill. Adm. Code 370, Repeal	605

PUBLIC AID, DEPARTMENT OF

Hospital Services

89 Ill. Adm. Code 148	607
-----------------------------	-----

Rights And Responsibilities

89 Ill. Adm. Code 102	619
-----------------------------	-----

EMERGENCY RULES

CORRECTIONS, DEPARTMENT OF

County Jail Standards

20 Ill. Adm. Code 701	626
-----------------------------	-----

Health Care

20 Ill. Adm. Code 415	638
-----------------------------	-----

Rights And Privileges

20 Ill. Adm. Code 525	641
-----------------------------	-----

School District #428

20 Ill. Adm. Code 405	647
-----------------------------	-----

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

Operating Procedures For The Administration Of Federal Funds

20 Ill. Adm. Code 1520	651
------------------------------	-----

PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children

89 Ill. Adm. Code 112	662
-----------------------------	-----

Aid To The Aged, Blind Or Disabled

89 Ill. Adm. Code 113	673
-----------------------------	-----

General Assistance

89 Ill. Adm. Code 114	682
-----------------------------	-----

Medical Assistance Programs

89 Ill. Adm. Code 120	692
-----------------------------	-----

Medical Payment

89 Ill. Adm. Code 140	705
-----------------------------	-----

NOTICE OF PUBLIC INFORMATION

AFFORDABLE HOUSING PROGRAM, ILLINOIS

Annual Plan Of The Advisory Commission	727
--	-----

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	730
-------------------------------	-----

ISSUES INDEX.....	I-1
-------------------	-----

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Care
- 2) Code Citation: 20 Ill. Adm. Code 415
- 3) Section Numbers: Proposed Action:
415.30 Amend
- 4) Statutory Authority: Implementing and authorized by Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2].
- 5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 1997, Public Act 89-659 requires the Department to begin charging committed persons a \$2.00 co-pay for non-emergency medical and dental services performed outside a Department facility.
- 6) Will this rulemaking replace any emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 2082

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated; the legislation necessitating this rulemaking was signed after the July Agenda was submitted.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment is identical to the emergency amendment published in this issue of the *Illinois Register* on page _____.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: School District #428
- 2) Code Citation: 20 Ill. Adm. Code 405
- 3) Section Numbers:
405.17 Amend
405.80 New Section
- 4) Statutory Authority: Implementing and authorized by Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed to permanently adopt emergency rules requiring committed persons to reimburse the Department for cost of educational expenses that lead to the award of or complete the necessary course work required to earn a degree; to update the definition Section to include standard definitions; and to update statutory cites.

6) Will this rulemaking replace any emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, IL 62794-9277
217/522-2666, extension 2082

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment is identical to the emergency rulemaking published on page ~~647~~ of this *Illinois Register*.

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3) Section Numbers:
670.40 Proposed Action:
Amendments
670.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) Complete Description of the Subjects and Issues Involved: Amendments to this Part eliminate the need for hunters to record their Firearm Owner's identification number, hunting license number, and physical description on the deer hunting permit; add language allowing hunters to tag deer on the antlers instead of the leg to facilitate handling by the taxidermist; clarify the difference between a permanent and a temporary harvest tag; and open new sites to hunting.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

- 670.10 Statewide Open Seasons and Counties
 670.20 Statewide Deer Permit Requirements
 670.21 Deer Permit Requirements - Landowner/Tenant Permits
 670.30 Statewide Legal Bow and Arrow
 670.40 Statewide Deer Hunting Rules
 670.50 Rejection of Application/Revocation of Permits
 670.55 Reporting Harvest
 670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

possession, may harvest more than 2 antlered deer during the archery season. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during the archery season may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of the single either-sex or landowner/tenant Archery Deer Hunting Permit shall record their signature/hunting-license-number ~~license-exempt~~ and ~~physical description~~ on the permit and must carry it on their person while hunting. Holders of combination OTC permits shall record their name and address on the check station tag portions of their permit and must carry it on their person while hunting.

- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist or tanner for processing must supply the taxidermist or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).

- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Argyle Lake State Recreation Area (2)

- * Anderson Lake Fish and Wildlife Area (2)

- * Banner Marsh Fish and Wildlife Area (2)

- * Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl season)

Castle Rock State Park (1) (2)

Crawford County Conservation Area (1) (2)

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

- * Eldon Hazlet State Park (2)
- Ferne Clyffe State Park (1) (2)
- Fort de Chartres State Historic Site (1) (2)
- Fort Massac State Park (1) (2)
- * Franklin Creek State Park (2)
- Giant City State Park (1) (2)
- Heidecke State Fish and Wildlife Area (2) (3)
- Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)
- I-24 Wildlife Management Area (1) (2)
- * Jubilee College State Park (2) (4)
- Kaskaskia River Fish and Wildlife Area (1) (2), except south of Highway 154 and north of Highway 13)
- Kidd Lake State Natural Area (1)
- Kinkaid Lake Fish and Wildlife Area (1) (2)
- Lowden-Miller State Forest (1) (2) (4)
- Mackinaw River Fish and Wildlife Area (1) (2)
- Marseilles Wildlife Area (closed Friday, Saturday, and Sunday in October) (1) (2)
- Marshall Fish and Wildlife Area (2)
- Mississippi Fish and Waterfowl Management Area - Pools 25 and 26
- Mississippi River Pool 16 (1)
- Mississippi River Pools 17, 18 (1)
- Mississippi River Pools 21, 22, 24

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

- * Mt. Vernon Propagation Center (1) (2)
- Oakford Conservation Area
- Panther Creek Conservation Area (1) (2)
- * Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)
- Pere Marquette State Park (area east of Graham Hollow Road) (2)
- Pyramid State Park (1) (2)
- * Randolph County Conservation Area (1) (2)
- Ray Norbut Conservation Area (2)
- * Red Hills State Park (1) (2)
- Rend Lake State Fish and Wildlife Area
- Rice Lake Fish and Wildlife Area (2)
- Saline County Fish and Wildlife Area (1) (2)
- * Sam Parr State Park (1) (2)
- Sangamon County Conservation Area
- Sanganois State Wildlife Area (1)
- * Shabbona Lake State Park (2)
- Siloam Springs State Park (1) (2) (4)
- * Silver Springs State Park (2)
- Tapley Woods State Natural Area (1) (2)
- Trail of Tears State Forest (1) (2)
- Turkey Bluffs Fish and Wildlife Area (1) (2)
- Union County Conservation Area (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota zone goose season; reopens with the close of the Quota Zone goose season through statewide closing) (1) (2)

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

- Walnut Point Fish and Wildlife Area (1)
- * Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)
- Weinberg-King State Park (2)
- Wildcat Hollow State Forest (1)
- h) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:
 - Beaver Dam State Park
 - Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)
 - Rend Lake State Fish and Wildlife Area (designated area on refuge only, designated dates between October 1-October 31, 1996)
 - Union County Conservation Area (designated areas only) (last 3-day (Friday, Saturday and Sunday) weekend in October)
 - i) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.
 - Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)
 - Clinton Lake State Recreation Area (except Inner Peninsula and Mascoutin areas) (1)
 - Coffeen Lake State Fish and Wildlife Area
 - Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)
 - Des Plaines Game Propagation Center (2)
 - * Eagle Creek State Park

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

East Conant Field (1) (4)

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Hidden Springs State Forest (1)

Joliet Army Ammunition Plant (an additional \$15 fee will be assessed upon registration; additionally, wheelchair accessible blinds are available and will be allocated on a first come-first served basis until 12 noon to hunters with a Class P2A disability card) (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24)

Kickapoo State Park (1)

Little Vermilion (1) (4)

Mautino State Fish and Wildlife Area (1)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (1)

- * Mississippi Palisades State Park (November 1 through December 31) (closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

- * Pekin Lake Fish and Wildlife Area (1)

Ramsey Lake State Park (1)

Sam Dale Lake Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

Sand Ridge State Forest (1)

- * Sangchris Lake State Park (1) (5)

Sato Field (1) (4)

Shelbyville Wildlife Management Area (1)

Site M (1) (4)

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

- * Spring Lake Fish and Wildlife Area (1)

Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Witkowski State Wildlife Area (1)

- j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season)- Tuesday hunting hours close at 2:00 p.m. and hunters must check out by 3:00 p.m. Season reopens on December 26 till close of regular season)-

Green River State Wildlife Area (1) (2)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Park

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (1) (2)

- k) Statewide regulations shall apply at the following sites except that hunter quotas are filled by mail-in drawing. Hunters must harvest one doe before being allowed to take an antlered deer.

Clinton Lake (Inner Peninsula and Mascoutin areas only) (1) (2)

DEPARTMENT OF NATURAL RESOURCE

NOTICE OF PROPOSED AMENDMENTS

(3)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3) Section Numbers: Proposed Action:
 650.21 Amendments
 650.40 Amendments
 650.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to eliminate language requiring hunters to record their Firearm Owner's Identification number, hunting license number and physical description on the deer hunting permit; add language allowing hunters to tag deer on the antlers instead of the leg to facilitate handling at a taxidermist; clarify the difference between a permanent and a temporary harvest tag; and open additional sites to hunting.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements - Landowner/Tenant Permits
650.22	Deer Permit Requirements - Special Hunts
650.23	Deer Permit Requirements - Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is defined as, and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.

- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident and nonresident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid landowner either-sex permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner Firearm Deer permit. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be \$15.00 for residents and \$100.00 for nonresidents. These applications will not be subject to the public drawing or the Random Daily Drawing.
- d) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50.00 for the either-sex permit and \$25.00 for the antlerless only permit. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents in counties open for firearm deer hunting.
- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by the last weekday in April.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form either-an Agricultural---Stabilization--and--Conservation--Service--476--or Commodity-Credit-Corporation-477-form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) A copy of a Farm Service Agency 156EZ form either-an-Agricultural Stabilization--and--Conservation--Service--476--Form-or-Commodity Credit-Corporation-477-Form.
- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder either-sex permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$50.00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd.
- m) Landowners or tenants that apply for or receive Landowner/Tenant Firearm Deer Permits may not apply for additional permits in the lottery or the first Random Daily Drawing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 650.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized eligible, antlered-only or antlerless-only permit. An eligible permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Firearm Deer Hunting Permit shall record their signature, ~~Firearm-Owner's identification number--(unless-exempt)-~~ ~~hunting-license-number--(unless-exempt)-and-physical-description~~ on the permit and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest ~~the--tag~~ tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Deer shall be checked in by the hunter in person by 8:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site. Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section. Persons delivering deer/parts of deer to a ~~taxidermist-or~~ tanner for processing must supply the ~~taxidermist-or~~ tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the ~~taxidermist-or~~ tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in ~~subsections (f)-(g)-of~~ this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in ~~subsections (f)-(g)-and--(g)-of~~ this Section that are followed by a (2).
- d) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in ~~subsections (f)-(g)-of~~ this Section that are followed by a (3).
- e) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in ~~subsections (f)-(g)-of~~ this Section that are followed by a (4).
- f) Statewide regulations shall apply at the following sites:
- Cache River State Natural Area (1) (2)
 - Campbell Pond (1) (2)
 - Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
 - Carlyle Lake Wildlife Management Area (except subimpoundment area)
 - Chauncey Marsh (1) (2)
 - Crawford County Conservation Area (1) (2)
 - Dog Island Wildlife Management Area (1) (2)
 - Ferne Clyffe State Park (1) (2)
 - Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)
 - Giant City State Park (1) (2)
 - Hamilton County Conservation Area (1) (2)
 - Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

~~Little Vermilion (permit required, allocated by drawing, only persons with Kickapoo or Middlefork permits may apply) (2) (3)~~

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

~~Panther Creek Conservation Area (1) (2)~~

Pere Marquette State Park (hunting in designated areas only) (2)

Pyramid State Park (1) (2)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

Southern Illinois University - Indian Creek Management Unit (1) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle River Unit only (3)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

9) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

Argyle Lake Recreation Area (5)

Big River State Forest (5)

Castle Rock State Park (first season only) (1) (2) (5)

~~Castle Rock State Park (second season only) (1) (2) (5)~~

Coffee Lake State Fish and Wildlife Area (first season only)

Coffee Lake State Fish and Wildlife Area (second season only)

Des Plaines Conservation Area (first season only) (2) (5)

~~East Conant Field (1) (3)~~

~~Fort Massac State Park (second season only) (antlerless deer only) (2)~~

Fox Ridge State Park

Green River State Wildlife Area (first season only) (1) (2) (5)

~~Heidecke State Fish and Wildlife Area (2) (4) (3) (5)~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Hidden Springs State Forest

Horseshoe Lake Conservation Area - Alexander County (Refuge and Public Hunting Area, last Saturday in October)

Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)

Iroquois County Conservation Area - Hooper Branch only (second season only) (2) (5)

Joliet Army Ammunition Plant (an additional \$15 fee will be assessed upon registration; additionally, wheelchair accessible blinds are available and will be allocated on a first come-first served basis until 12 noon to hunters with a Class P2A disability card) (2) (3) (5)

Kickapoo State Park (2) (5)

Little Vermillion River State Natural Area (2) (3)

Lowden-Miller State Forest (first season only) (1) (2) (3) (5)

Lowden-Miller State Forest (second season only) (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Wildlife Area (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2) (5)

Mississippi Palisades State Park (first season only)

Morrison Rockwood State Park (first season only) (5)

Panther Creek Conservation Area (1) (2) (3)

Ray Norbut Conservation Area (2) (5)

Sand Ridge State Forest (1) (2)

Sato Field (1) (3)

Siloam Springs State Park (2) (3)

Site M (1) (2) (3)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Tapley Woods State Natural Area

Witkowski Wildlife Area

Wolf Creek State Park

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3) Section Numbers: Proposed Action:

660.22 Amendments

660.40 Amendments

660.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to eliminate the need for hunters to record their Firearm Owner's Identification number, hunting license number, and physical description on the deer hunting permit; allow hunters to tag deer on the antlers instead of the leg to facilitate handling by the taxidermist; clarify the difference between a permanent and a temporary harvest tag; and open new sites to hunting.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price

Department of Natural Resources

524 S. Second Street

Springfield, IL 62701-1787

217/782-1809

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

- 660.10 Statewide Season and Permit Quotas
 660.20 Statewide Deer Permit Requirements
 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
 660.22 Deer Permit Requirements - Special Hunts
 660.25 Deer Permit Requirements - Group Hunt
 660.30 Statewide Muzzleloading Rifle Requirements
 660.40 Statewide Deer Hunting Rules
 660.45 Reporting Harvest
 660.50 Rejection of Application/Revocation of Permits
 660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 660.22 Deer Permit Requirements - Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 660.60(h).

Delair Division, Mark Twain National Wildlife Refuge (first 3-day weekend (Friday, Saturday, Sunday) after January 11) ~~second 3-day-~~Friday-Saturday-and-Sunday~~-weekend-in-January~~

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

application. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature, ~~Firearm-Owner's--identification--number--unless~~ ~~empty--hunting--license--number--(unless--empty)--and--physical description~~ on the permit and must carry it on their person while hunting.

- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist or tanner for processing must supply the taxidermist or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferrable).

- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in ~~the following subsections~~ this Section that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in ~~the following subsections~~ this Section that are followed by a (2).
- d) Handicapped preferred hunting opportunities are provided at those sites listed in ~~the following subsections~~ this Section that are followed by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in ~~the following subsections~~ this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in ~~the following subsections~~ this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Crawford County Fish and Wildlife Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Hamilton County Fish and Wildlife Area (1) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Pere Marquette State Park (hunting in designated area only) (2)

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2)

Rend Lake Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Saline County Fish and Wildlife Area (1) (2)
 Sand Ridge State Forest (1) (2)
 Sanganois Fish and Wildlife Area (1)
 Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)
 Trail of Tears State Forest (1) (2)
 Turkey Bluffs Fish and Wildlife Area (1) (2)
 Union County Conservation Area (1) (2)
 Weinberg-King State Park (2)
 Wildcat Hollow State Forest (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

East Conant Field (1) (4)

Sato Field (1) (4)

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children
 2) Code Citation: 89 Ill. Adm. Code 112
 3) Section Numbers: Proposed Action:
 112.10 Amendment
 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and
7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

Companion amendments are also being proposed to Parts 113, 114 and 120.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.66	New Section	August 16, 1996 (20 Ill. Reg. 10766)
112.71	Amendment	August 30, 1996 (20 Ill. Reg. 11560)
112.75	New Section	September 13, 1996 (20 Ill. Reg. 12326)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
112.414	Amendment	August 23, 1996 (20 Ill. Reg. 13138)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the two most recent agendas because: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

662 =

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:
113.10 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:
 1. persons lawfully admitted for permanent residence;
 2. persons paroled into the United States for at least one year;
 3. refugees;
 4. asylees;
 5. persons for whom deportation has been withheld;
 6. persons granted conditional entry prior to April 1, 1980; and
 7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

Companion amendments are also being proposed to Parts 112, 114 and 120.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The reasons

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

673-F

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Proposed Action:
114.10 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and
7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

Companion amendments are also being proposed to Parts 112, 113 and 120.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: The

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

~~682~~ -

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.11 Amendment
120.310 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and
7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

There is no citizenship requirement for pregnant women under the MANG-P program in order to cover prenatal services for these women. The citizenship requirements will apply to children under the MANG-P program. In addition, there is no citizenship requirement for medical care or services necessary for the treatment of an emergency medical condition,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- including labor and delivery.
- Companion amendments are also being proposed to Parts 112, 113, and 114.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | | | |
|----------------------------|-----------------|--|
| Sections 120.372 Amendment | Proposed Action | Illinois Register Citation |
| 120.379 Amendment | | December 27, 1996 (20 Ill. Reg. 16143) |
| | | August 23, 1996 (20 Ill. Reg. 11472) |

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
(Phone: (217) 524-0081).

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rules was not included in either of the two most recent agendas because: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

692-

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: Adopted Action:
2770.110 Amended Section
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) Effective Date of the Amendment: January 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain an incorporation by reference? Yes
- 8) Date filed in Agency's Principal Office: December 24, 1996
- 9) Notice of Proposal published in Illinois Register: October 25, 1996 at 20 Ill. Reg. 13685
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the rules: This amendment to Part 2770 announces the 1997 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the rates for 1991 as they are no longer needed.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, IL 60605
312/793-4240

The full Text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section
2770.100 Industrial Classification
2770.105 Contribution Rate For Non Experience-Rated Employers
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

Section
2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160 Adjustment Of Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170 Appeals (Repealed)

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO
SUBSEQUENT EMPLOYER (Repealed)

Section
2770.400 Definitions (Repealed)
2770.405 Application Of Base Period Wages (Repealed)
2770.410 Restriction On Benefit Wage Transfers (Repealed)
2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420 Petition For Hearing (Repealed)

SUBPART F: BENEFIT WAGE CANCELLATIONS

Section
2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

TABLE A General SIC Classifications

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 5611, effective January 1, 1997.

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the fund-building rate as set forth in Section 1506.3 of the Act, for calendar year 1997, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Divs	Economic Division	Rate
01-09	Agriculture, Forestry, Fishing	3-14
10-14	B-Mining	4-34
15-17	C-Construction	3-74
20-39	D-Manufacturing	2-24
40-49	E-Transportation, Communication, Electric, Gas	2-54
	Sanitary Services	
50-51	F-Wholesale Trade	1-74
52-59	G-Retail Trade	1-84
60-67	H-Finance, Insurance, Real Estate	1-34
70-89	I-Services	1-54

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

91-97 ~~J--Public-Administration~~ 2-04
99 ~~K--Nonclassifiable-Establishments~~ 2-14

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1992, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.9%
10-14	B. Mining	3.8%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	2.0%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.3%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.6%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.3%
91-97	J. Public Administration	1.7%
99	K. Nonclassifiable Establishments	2.1%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.6%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.2%
50-51	F. Wholesale Trade	1.6%
52-59	G. Retail Trade	1.4%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.3%
91-97	J. Public Administration	1.5%
99	K. Nonclassifiable Establishments	1.8%

c) The average contribution rate for each Economic Division, excluding

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1994, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.5%
10-14	B. Mining	4.1%
15-17	C. Construction	4.4%
20-39	D. Manufacturing	2.7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.6%
50-51	F. Wholesale Trade	2.0%
52-59	G. Retail Trade	1.6%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.5%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	1.9%

d) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1995, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	4.0%
10-14	B. Mining	4.5%
15-17	C. Construction	5.0%
20-39	D. Manufacturing	3.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%
50-51	F. Wholesale Trade	2.4%
52-59	G. Retail Trade	1.9%
60-67	H. Finance, Insurance, Real Estate	1.7%
70-89	I. Services	1.8%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.5%

e) The average contribution rate for each Economic Division, excluding

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1996, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.9%
10-14	B. Mining	4.3%
15-17	C. Construction	4.7%
20-39	D. Manufacturing	2.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.7%
50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	1.7%
60-67	H. Finance, Insurance, Real Estate	1.5%
70-89	I. Services	1.7%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.4%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1997, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.2%
10-14	B. Mining	3.6%
15-17	C. Construction	3.8%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

(Source: Amended at 21 Ill. Reg. effective JAN 01 1997)

561

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Disqualifying Income And Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number: 2920.18 Adopted Action: New Section
- 4) Statutory Authority: 820 ILCS 405/401, 402, 600, 605, 606, 610, 611, 1300, 1700 and 1701 (see P.A. 89-446, effective January 1, 1997).
- 5) Effective Date of the Amendment: January 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No
- 8) Date filed Agency's Principal Office: December 24, 1996
- 9) Notice of Proposal published in Illinois Register: October 25, 1996, at 20 Ill. Reg. 13692
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the rules: This amendment to Part 2920 permits individuals to voluntarily elect to withhold monies from their benefits to cover possible federal income tax liability. The amendment also sets deductions and priorities.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:
John Melsheimer
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, IL 60606
312/793-2337

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

PART 2920

DISQUALIFYING INCOME AND REDUCED BENEFITS

SUBPART-A--GENERAL-PROVISIONS

Section

- 2920.1 Definitions
- 2920.5 Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
- 2920.10 Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
- 2920.15 Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
- 2920.18 Voluntary Withholding For Federal Income Tax
- 2920.20 Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
- 2920.25 Payments Made During Shutdown For Inventory Or Vacation Purposes
- 2920.30 Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
- 2920.35 Holiday Pay
- 2920.40 Payments In Lieu Of Notice Of Separation Or Layoff
- 2920.45 Severance Pay
- 2920.48 Residual Payments
- 2920.50 Back Pay Awards
- 2920.55 Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
- 2920.60 Supplemental Unemployment Benefits (SUB Pay)
- 2920.65 Retirement Pay
- 2920.66 Payments To An Election Judge
- 2920.68 Payments By A Labor Union
- 2920.69 Jury Service
- 2920.70 Retirement Pay Considered Disqualifying Income
- 2920.75 Allocation Of Retirement Pay
- 2920.80 Miscellaneous Forms Of Retirement Pay
- 2920.85 Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act (see P.A. 89-446, effective January 1, 1997) [820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1300, 1700 and 1701].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; emergency amendments to 56 Ill. Adm. Code 2920.5 and 2920.75, expired November 28, 1989; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991; amended at 18 Ill. Reg. 4166, effective March 3, 1994; amended at 21 Ill. Reg. ~~56725~~ ⁵⁶⁷²⁶, effective

JAN 0 1 1990

SUBPART-A--GENERAL-PROVISIONS

Section 2920.18 Voluntary Withholding For Federal Income Tax

- a) Whenever an individual voluntarily elects, pursuant to Section 1300 of the Act [820 ILCS 405/1300], to have monies withheld from his unemployment insurance benefits to cover possible federal income tax liability, the amount of benefits subject to federal income tax withholding is the sum of the individual's weekly benefit amount (WBA), following any of the mandatory deductions from unemployment benefits set forth in subsections (a)(1), (2), and (3), plus any spouse or dependents' allowance payable under the Act. The following are the mandatory deductions:

- 1) disqualifying income, including vacation pay, holiday pay, retirement pay, and workers' compensation, under Section 2920.10; wages for less than full time work payable to him with respect to such week which are in excess of 50% of his weekly benefit amount;
- 3) one-fifth of the individual's WBA for each day that the individual was unable or unavailable for work as required by Section 402 of the Act.

- b) Whenever an individual has voluntarily elected, pursuant to Section 1300 of the Act, to have monies withheld for federal income tax from his unemployment benefits for a period covered by a benefit check, the Department shall withhold 15% of the amount of benefits that are subject to withholding under subsection (a), rounded (if not already a multiple of one dollar) to the nearest dollar. If the product is equally near 2 multiples of one dollar, it shall be rounded to the higher multiple of one dollar. If the individual's benefits for the period, less amounts subject to recoupment under Section 2835.15 and less any involuntary deductions for delinquent child support pursuant to Section 2815.105, are less than 15% of the amount of benefits subject to withholding under subsection (a), the entire amount of the benefits remaining shall be withheld.

- 1) The individual's WBA for each of the two weeks covered by the benefit payment is \$251. The individual receives a dependents' allowance of \$81 for each week. The amount of benefits subject

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

to federal income tax withholding for the two week period is the sum of \$332 and \$332, which equals \$664. The Department will deduct for federal income tax withholding 15% of \$664 which equals \$99.60, which, rounded to the nearest dollar, is \$100. Accordingly, the individual will receive \$564 in benefits after having \$100 deducted for federal income tax withholding.

- 2) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The individual receives a dependents' allowance of \$42 for each week.

For the first week of the payment period, the individual has \$90 in disqualifying vacation pay, but in the second week the individual does not have any disqualifying vacation pay.

The amount of benefits subject to federal income tax withholding for the first week is \$129 less \$90 in vacation pay, which equals \$39 plus his dependents' allowance of \$42, which totals \$81. Because the individual did not receive any disqualifying vacation pay for the second week of the period, the amount of benefits subject to federal income tax withholding attributable to the second week is \$129 plus his dependents' allowance of \$42, which totals \$171.

The amount of benefits subject to federal income tax withholding for the two week period is the sum of \$81 and \$171, which equals \$252. The Department will deduct for federal income tax withholding 15% of \$252, which equals \$37.80, which, rounded to the nearest dollar, is \$38.

The individual will receive \$214 for the period after having \$38 deducted for federal income tax withholding.

- 3) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The amount of benefits subject to federal income tax withholding for each week of the two week period is \$129. The amount of benefits subject to federal income tax withholding for the two week period is \$258, the sum of \$129 and \$129.

15% of \$258 equals \$38.70, which, rounded to the nearest dollar, is \$39.

In this example, assume that the individual has elected federal income tax withholding, that the individual is also subject to recoupment for both weeks in an amount up to 25% of his WBA, which amount is \$32.25 for both weeks, and that the individual is subject to a withholding order of \$100 for child support for the first week.

For the first week, the Department will first recoup the entire amount of \$32.25 due for that first week. \$129 minus \$32.25 equals \$96.75. Because the individual does not have sufficient benefits to cover the full amount of child support due for that first week, the Department will deduct \$96.75, the amount of benefits available for that week. The individual's payment for the two week period will not include any benefits with respect to

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

that first week.

For the second week of the payment period, the individual is not subject to a withholding order for child support. Accordingly, the individual is eligible to receive \$96.75 for the second week. The difference between the benefits payable to him for that week (\$129) and the amount recouped (\$32.25). Because the individual has elected federal income tax withholding for the period covered by the payment, the Department will deduct \$39 for federal income tax withholding from the individual's benefits and pay the individual the remaining \$57.75.

- 4) Example: Assume the same situation described in subsection (b)(3), except that the individual's withholding for court ordered child support is \$90 for each week. The amount of benefits subject to federal income tax withholding for the two week period remains \$258. 15% of \$258 equals \$38.70, which, rounded to the nearest dollar, is \$39.

The individual has sufficient benefits for the Department to recoup the maximum amount and to deduct for child support in full for both weeks. If the individual had not elected to withhold federal income tax, the individual would have received a check for \$13.50, the sum of \$6.75 and \$6.75 for that two week period. Because the individual has elected federal income tax withholding for this period and the benefits for the period after recoupment and child support are less than 15% of the amount subject to withholding, the Department will deduct the entire \$13.50 for federal income tax withholding and not pay the individual any benefits for this period.

- c) An individual's election and his revocation of his election to have monies withheld from his benefits for possible federal income tax liability shall be prospective only. Any decision made by the Department as to whether an individual has, under the Act, elected withholding or revoked a withholding election shall constitute a final administrative decision, subject to review under the Administrative Review Law [735 ILCS 5/Art. III].

EXAMPLE: Upon filing an additional claim during his benefit year, an individual elects to have federal income tax withheld from his unemployment benefits. His first benefit check covers the two-week period beginning January 20, 1997, and ending February 1, 1997. His WBA is \$250, and the amount subject to withholding for the period is \$75 (15% of \$500). For each week, he is subject to recoupment of 25% of his WBA and a withholding order of \$100 for child support. Consequently, his benefit check for the two-week period is for \$100.00. When he receives his benefit check, he asks to revoke the election, explaining he thought the income tax withholding would be based on a percentage of his WBA after recoupment and child support. While the Department, if he desires, will revoke his election to withhold with respect to a period that has not yet ended, it will not

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

retroactively revoke his election with respect to January 20 through February 1. Elections and revocations can only operate prospectively.

(Source: Added at 21 Ill. Reg. 567-2, effective
 1-1-88)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Advertising in Department Publications
- 2) Code Citation: 17 Ill. Adm. Code 2650
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2650.10	New Section
2650.20	New Section
2650.30	New Section
2650.40	New Section
2650.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 63b2.4 of the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/63b2.4].
- 5) Effective Date of Rulemaking: December 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 30, 1996
- 9) Notice of Proposal Published in Illinois Register: May 17, 1996, 20 Ill. Reg. 6633
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

A New Section 2650.50 - "Exchange of Advertising" was added.

Section 2560.20(a) was amended as follows: "agency" was changed to "agencies"; "the" was added prior to "publisher"; and "the" was added prior to "Department".

Section 2650.20(c) was amended as follows: "the" was added prior to "advertiser" and "for" was added prior to "rejection".

Section 2650.30(b) was amended as follows: "first-serve" was changed to "first-served".

In Section 2650.30(c)(2), a hyphen was added following "right".

In Section 2650.30(d)(1), "to the cost of the ad" was added following "10%".

In Section 2650.30(d)(4), "from the cost of the ad" was added following "10% discount".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part sets forth the rules and regulations concerning what types of advertising the Department will accept, approvals needed, materials required, and ad sizes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2650

ADVERTISING IN DEPARTMENT PUBLICATIONS

Section	Definitions
2650.10	General Regulations
2650.30	Outdoor Illinois
2650.40	Other Department Publications
2650.50	Exchange of Advertising

AUTHORITY: Implementing and authorized by Section 63b2.4 of the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/63b2.4].

SOURCE: Adopted at 21 Ill. Reg. 573, effective DEC 30 1996.

Section 2650.10 Definitions

"Department" - means Department of Natural Resources.

"Prohibited Advertising" - is defined as advertisements for political parties or candidates, personal notices, real estate sales, alcoholic beverages, tobacco products, smoking devices or advertisements which are not wholly consistent with and supporting of Department goals, objectives and programs.

"Publisher" - means the Director of the Department of Natural Resources or his designee.

"Selling of Advertising" - is defined as the sale or exchange of space within Department publications or time on electronic programs to an outside entity.

Section 2650.20 General Regulations

- a) Advertisements are accepted upon the representation that advertisers and their agencies have the right to publish the contents thereof. In consideration of such publications, advertisers and their agencies agree to indemnify and hold the publisher and the Department harmless against any expense or loss by reason of claims arising out of publication.
- b) All advertisements are subject to publisher's approval. Prohibited advertisements will be rejected. The amount of advertising is

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

limited, and availability of space or special position shall be dependant upon lay-out and the number of submitted advertisements.

c) Advertisements rejected shall be returned to the advertiser, with an explanation of the reason for rejection.

d) Publisher reserves the right to insert the word "Advertisement" above or below the copy.

Section 2650.30 Outdoor Illinois

- a) Advertisers must reserve advertising space by the 20th (or next working day) of the month three months prior to publication. Camera-ready copy must be delivered to publisher not more than one month later.
- b) Payment for advertising space must accompany the reservation. Advertisers rejected due to lack of space will have their money refunded. Space shall be allocated on a first-come, first-served basis.

c) Copy materials required:

- 1) Black and white: film negative, right-reading, emulsion side down, 150-line screen. White proof required.
- 2) Four-color: film separations, right-reading, emulsion side down, in register and prepared to publication size of contracted space, 150-line screen. Match print or chromaline proof required.

d) Available ad sizes

- 1) Run of Press
 full page (7.5" x 9.5")
 half page (7.5" x 4")
 quarter page (4 5/8" x 4")
 eighth page (2 1/8" x 4")
 For preferred positioning, add 10% to the cost of the ad. Preferred positioning on first-come, first-served basis.
- 2) Rates shall be as published in Outdoor Illinois. Advertising rates for Outdoor Illinois may also be obtained by written request to:

Outdoor Illinois
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787

- 3) Inside back cover (color only).
- 4) Discount. Advertisers who contract for the same advertisement for three or more consecutive insertions shall receive a 10% discount from the cost of the ad.
- 5) Cancellations will not be accepted after the last date for reservations, nor will changes to advertisement be accepted less than 2 months prior to publication.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Section 2650.40 Other Department Publications

Advertising in other Department publications, on licenses or permits, or via electronic media shall be by contract after public notice and sealed bid.

Section 2650.50 Exchange of Advertising

Advertising in Department publications or on electronic programs will be considered under the following circumstances:

- a) the goods or services offered in exchange time must be approximately equal in value to the cost of the advertising space or time allotted in the Department-produced medium;
- b) the advertiser shall pay a bid amount, or, if no acceptable bid is received, a negotiated amount at least equal to the cost of printing the document or a portion of the document in which the advertising appears; or
- c) the advertisement is determined by the Director to be in the public interest and is a furtherance of the Department's duties to provide public information, in which case the goods or services offered in exchange may be less than the actual cost of producing and distributing the medium.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3) Section Numbers: Adopted Action:

590.10 Amendments

590.60 Amendments

590.80 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) Effective Date of Rulemaking: December 30, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: December 30, 1996

9) Notice of Proposal Published in Illinois Register: October 4, 1996, 20 Ill. Reg. 12994

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 590.10(1)(1), a comma was added following "Miller City Road".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to close portions of Union and Alexander Counties to snow goose hunting during the February-March hunting season. This will prevent hunters from being placed in jeopardy of violating federal baiting regulations near two State refuges where corn will be mowed to feed Canada geese.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

- Section
590.10 Statewide Regulations
590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed sites
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25 Illinois Youth Waterfowl Hunting Permit Requirements
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 1851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.

DEC 3 1996

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.

e) Emergency Closure

The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

f) Closed Areas

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

g) Commercial Migratory Waterfowl Hunting Area Permits

1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.

2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.

3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

h) Waterfowl Hunting Zones:

1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.

3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Interstate 70 to the Indiana border.
4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.

6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.

7) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.

8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

9) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

1) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily.

j) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.

k) The following apply in the Northern and Central Illinois Quota Zones:
1) It is unlawful to hunt Canada geese during seasons starting after September 30 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

2) Immediately upon taking possession of a harvested Canada goose, hunters must punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested).

3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

1) During any goose seasons that occur after the close of the Canada goose season the following areas within Union and Alexander Counties are closed to goose hunting:

1) Alexander County - that area encompassed by a line beginning at

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the intersection of Len Small Levee Road and Fayetteville Road and extending easterly along Fayetteville Road to State Route 3, easterly along State Route 3 to Railroad Street, northeasterly along Railroad Street to Sandy Ridge Road, easterly along Sandy Ridge Road to State Route 127, southerly along State Route 127 to State Route 3, southerly along State Route 3 to Miller City Road, westerly along Miller City Road to Len Small Levee Road, northeasterly along Len Small Levee Road to the intersection of Fayetteville Road.

- 2) Union County - that area encompassed by a line beginning at the intersection of the Union County/Alexander County Line and State Route 127 and extending westerly along the Union County/Alexander County Line to Mississippi River Levee Road, northerly along the Mississippi River Levee Road to Dam Road, easterly along Dam Road to Ware-Wolf Lake Road, easterly along Ware-Wolf Lake Road to State Route 146, easterly along State Route 146 to State Route 127, southerly along State Route 127 to the Union County/Alexander County Line.

m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 21 Ill. Reg. 578-23, effective Dec 30, 1983)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10), General Department Regulations (Section 590.30) and the following regulations, except as noted.

- a) Regulations
 - 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
 - 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
 - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
 - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
 - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of waterfowl season through the waterfowl season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.

b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters

A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 along Sandy. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 along Sandy. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and the East Side Management Area located east of the Kaskaskia River.

B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

C) Individual float tubes (not to exceed 42" diameter) and capable of supporting only one person may be used.

D) Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats and will designate boat launching locations. Boats and electric trolling motors only are allowed only at these times in the subimpoundment areas.

E) In the subimpoundment areas, compartment 4 will be a waterfowl rest area during the entire waterfowl season. No hunting within 50 yards of E and F levees which contain subimpoundment 4 is permitted. No trespassing will be allowed, except for hunters boating through the area on the Kaskaskia River along F levee. At the close of duck hunting season, known eagle protection areas will be posted by the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Site Superintendent and will be closed to goose hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest registration box located at the access parking lot. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- 4) Chauncey Marsh (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 5) Clinton Lake (1)
A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) No more than 4 persons shall occupy or use a portable boat blind.
- D) Each hunting party is required to hunt over a minimum of 12 decoys.
- E) No hunting is permitted within 300 yards of power lines.
- 6) Dog Island Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 7) Donnelley State Wildlife Area
A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Hunting hours start at sunrise.
- C) Goose hunting is prohibited after the close of the duck season.
- D) All hunting shall be from designated blinds only. Refilling

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- or changing blinds is not permitted.
- E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- F) \$10.00 daily usage stamp must be purchased to hunt this area.
- G) No outboard motors are allowed by public - only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 8) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.
- 9) Fort de Chartres Historic Site (1)
A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) Muzzleloading shotguns only.
- D) No hunting is allowed during firearm deer season.
- 10) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake
A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 along Sandy. Hunters wishing to move to another blind site must report this move to the check

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the waterfowl season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- 11) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only
- A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).
- B) Hunting shall be done from assigned blinds only.
- C) A daily drawing for assigned blind sites will be held 60

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- minutes prior to legal hunting hours at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.
- D) Hunters must deposit their license prior to going to their blinds.
- E) Hunters must park in assigned, designated areas only.
- F) Hunters must hunt over a minimum of 12 Canada goose decoys.
- G) Hunters must return to the check station and report their harvest by 2:00 p.m.
- H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.
- I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.
- 12) Horseshoe Lake (Alexander County) Public Hunting Area
- 13) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)
- 14) Kaskaskia River Fish and Wildlife Area
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) Between the Highway 13 and Highway 154 Bridges, all hunters are required to sign out and report harvest daily at the nearest check station.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 3:00 along Sandy. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
- ii) Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
- 15) Kidd Lake State Natural Area (1)
- 16) Kinkaid Lake Fish & Wildlife Area (1)
- 17) Lake Shelbyville (except for land/waters covered in subsection(b)(18)(i) of this Section) (1)
- 18) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 along Sandy and 4:00 along Sandy. Central Standard time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:
- All parties must hunt within 10 yards of their assigned stake.
 - All parties must be in place by one-half hour before hunting time.
 - All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(18)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.
- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.
- 19) ~~Medewin-National-Waligrass-Prairie~~
~~A) Hunters-must-check-out-by-2:00-p.m.--A-daily-drawing-will-be held-at-the-check-station-60-minutes-prior-to-legal-hunting hours--on-each-day-hunting-is-allowed---A-daily-fee-of-\$5.00~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ~~per-person-will-be-charged-for-waterfowl-hunting--~~
~~Only-walk-in-hunting-will-be-permitted--blinds-must-be~~
~~portable--in-nature-or-constructed-of-natural-materials~~
~~located-at-the-blind-site-and-must-be-removed-at-the-end-of~~
~~the-days-hunt--A-maximum-of-3-hunters-per-blind-will-be~~
~~allowed--~~
~~the-site-shall-be-closed-to-waterfowl-hunting-on-Mondays~~
~~Tuesdays-Fridays-Thanksgiving-Christmas-New-Years-Day~~
~~and-during-site-firearms-deer-hunts--~~
~~Waterfowl-hunters-must-hunt-within-50-feet-of-the-blind~~
~~location-marker--All-movement-on-site-must-be-directly~~
~~between-the-check-station-and-blind-location--Entry-into~~
~~restricted-areas-shall-result-in-the-loss-of-hunting~~
~~privileges-at-the-site-for-the-remainder-of-that-season--~~
~~the-days-hunt--A-maximum-of-3-hunters-per-blind-will-be~~
~~allowed--~~
- 19) ~~Meredosia Lake - Cass County Portion Only (meandered waters only)~~
- All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.
 - Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.
- 20) ~~Mermet~~
- Waterfowl hunting shall be permitted only during the duck hunting season.
 - Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law, from having hunting licenses must deposit their Firearm Owner's Identification Cards.
 - The daily drawing shall be held one hour prior to legal opening time.
 - All members of the hunting party shall register as a group (not to exceed 4 persons per group) for the purpose of the drawing.
 - Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road. In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

21) Midewin National Tallgrass Prairie

A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.

B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.

C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.

D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

22) Oakford Conservation Area (1)

23) Ray Norbut State Fish and Wildlife Area (1)
Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier.

24) Rend Lake Project Lands and Waters

A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 along Sandy, except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 along Sandy.

B) No hunting permitted from the subimpoundment dams.

C) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

D) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.

E) All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.

F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:

- i) During goose season, a separate drawing will be held for the 4 pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.

ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.

iii) All hunters must have the registration card from the check station in their possession while hunting.

iv) Two standby parties will be drawn for pit refill after move-up of initial hunting parties, in the reverse order of the order the pits were drawn.

v) No more than 6 dozen decoys may be used per pit.

vi) No more than 4 hunters will be allowed in a pit or hunting party.

H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.

J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.

ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.

iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.

iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.

v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.

vi) Bounded on Nason Point by refuge boundary signs at project limits.

K) After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

i) All hunting must occur within 10 yards of an assigned, numbered stake and only one hunting party may occupy a staked site at any given time.

ii) Stakes will be assigned via a daily drawing held at 4:00 along Sandy, during November, 4:30 along Sandy, in December and 5:00 along Sandy, in January. Check

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

stations will be open from 1/2 hour before drawing time to 9:30 along Sandy. daily.

- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.

- iv) Hunters (including those who are not drawn in the initial daily drawing) will not be allowed to enter the staked area until 9:00 along Sandy. No hunting party may enter the staked area after 9:30 along Sandy. Hunters will not be allowed to enter the staked area between 9:00 along Sandy. and 9:30 along Sandy. unless there are vacant staked hunting locations.

- v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis.

- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.

- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

- 25) Saline County Conservation Area (1)
 - A) Waterfowl hunting is allowed north of the township road only.

- B) Walk-in hunting only.

- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

- 26) Sand Ridge State Forest (Mud Turtle State Natural Area) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.

- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.

- C) Hunters must report harvest to site office.

- 27) Sanganois Conservation Area

- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

west side of the Illinois River one mile north of Browning near Route 100.

- B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.

- C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.

- D) Upon the completion of hunting, hunters must report to the check station within one hour.

- E) Fishing is prohibited in the impoundment areas during the duck season.

- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.

- G) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

- H) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

- I) No hunting permitted from the walk-in area subimpoundment levee.

- 28) Sangchris Lake State Park

- A) During the last 3 days of Canada goose season, hunting hours will close at statewide closing.

- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the goose season which follows the duck season, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 along Sandy. daily.)

- C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

- D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

- E) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(27)(J)) and boat fishing during the waterfowl

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- season. Bank fishing along the dam shall be permitted.
- F) No more than 4 persons shall occupy a blind at one time.
- G) The center arm of the lake shall be closed to all waterfowl hunting.
- H) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- I) Hunters wishing to move to another blind location may do so after 10 along Sandy, providing they include the blind change on the harvest card and report their kill for each blind.
- J) Access to blind sites shall be by boat only and from designated boat launch sites. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.
- L) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- M) No pits or blinds shall be built on State leased or Commonwealth Edison land.
- N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.
- O) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.
- P) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- Q) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- R) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- 29) Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 30) Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors.
- 31) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
A) All hunting must be by walking into the area.
B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- 32) Stephen A. Forbes State Park
A) On the main lake hunting is allowed from a boat blind only in the designated areas.
B) Only walk-in hunting is allowed in the subimpoundment.
C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.
- 33) Ten Mile Creek Fish and Wildlife Area (1)
A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.
- 34) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)
- 35) Union County (Firing Line Waterfowl Management Area)
A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.
B) During goose season waterfowl hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.
C) During goose season hunting from staked sites only.
- (Source: Amended at 21 Ill. Reg. 578, effective DEC 30 1996)
- Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites
- a) During goose hunting seasons that begin before or extend beyond the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
 - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
 - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
- b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

Cache River Natural Area *

Carlyle Lake Project Lands and Water *

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area *

Fort de Chartres Historic Site

Kaskaskia River State Fish and Wildlife Area (between the Highway 13 and Highway 154 bridges) *

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except lands and waters covered in Section 590.60(b)(18) ††9†

Marshall Fish and Wildlife Area * #

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area *

Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area #

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Woodford Fish and Wildlife Area * #

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) * @

Horseshoe Lake Fish and Wildlife Area (Controlled Hunting Area and Public Hunting Areas)

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (closed after regular duck season) * @

Union County Fish and Wildlife Area (Firing Line Management Area and Controlled Hunting Area)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Braidwood State Fish and Wildlife Area *

Clinton Lake

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue Fish and Wildlife Area *

Lake Mississippi Fish and Wildlife Area

Pekin Lake Fish and Wildlife Area

Sangchris Lake State Park *

Spring Lake Fish and Wildlife Area *

Starved Rock State Park *

- e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Banner Marsh * @

Mississippi River Pools 21, 22 and 23 @

Stephen A. Forbes State Park *

Snake Den Hollow * @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

(Source: Amended at 21 Ill. Reg. 578-2, effective DEC 31 1998)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions

2) Code Citation: 38 Ill. Adm. Code 307

3) Section Number:
307.10 Adopted Action:
307.20 Repeal
Repeal

4) Statutory Authority: Implementing Section 31(e)(5) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/31(e)(5) and 48(6)].

5) Effective Date of Repealer: December 26, 1996

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 24, 1996

9) Date Notice of Proposed Repealer was published in Illinois Register: October 4, 1996, 20 Ill. Reg. 13024

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested.

13) Will this repealer replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: This part is being repealed because the statutory language which the rule implemented, Section 31(e)(5) of the Illinois Banking [205 ILCS 5/31(e)(5)], was repealed by Public Act 88-4.

16) Information and questions regarding this Adopted Repealer shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, IL 62701
217/782-3000

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 1100

3) Section Number:
1100.10 Adopted Action:
1100.20 Repeal
1100.30 Repeal
1100.40 Repeal
1100.50 Repeal
1100.60 Repeal
1100.70 Repeal

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by the Savings Banks Act [205 ILCS 205/100].

5) Effective Date of Repealer: December 26, 1996

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 24, 1996

9) Date Notice of Proposed Repealer was published in Illinois Register: October 4, 1996, 20 Ill. Reg. 13018

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested.

13) Will this repealer replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: The Commissioner of Banks and Trust Companies and the Office of the Commissioner of Savings and Residential Finance were merged to form the Office of Banks and Real Estate by Executive Order #1 (1996), effective June 1, 1996. That merger was further implemented and codified by Public Act 89-508. The rules of the two predecessor agencies were made the rules of the new agency.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

The two predecessor agencies had identical rules relating to the Americans With Disabilities Act. One of those sets of rules (4 Ill. Adm. Code 375) is being maintained in force for the new Office of Banks and Real Estate. The other duplicative set of rules (4 Ill. Adm. Code 1100) is no longer needed and is being repealed by this rulemaking.

- 16) Information and questions regarding this Adopted Repealer shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Posting Notice of a Proposed Acquisition
- 2) Code Citation: 38 Ill. Adm. Code 370
- 3) Section Number: Adopted Action:
370.10 Repeal
370.20 Repeal
370.30 Repeal
- 4) Statutory Authority: Implementing Section 3.071(d) and authorized by Section 3.074(a) of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.071(d) and 3.074(a)].
- 5) Effective Date of Repealer: December 26, 1996
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 24, 1996
- 9) Date Notice of Proposed Repealer was published in Illinois Register: October 4, 1996, 20 Ill. Reg. 13028
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested.
- 13) Will this repealer replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This part is being repealed because the statutory language upon which it was based, Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.071(d)], was repealed by Public Act 89-208.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

Springfield, IL 62701
217/782-3000

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
148.295 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 2, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 2, 1997
- 9) Notice of Proposal Published in Illinois Register: September 13, 1996 (20 Ill. Reg. 12330)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

In the first sentence of subsection (e), a comma has been added after "shall be made to rural hospitals".

In subsection (h)(7), the cross reference has been changed to "subsection (h)(6) above."

No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
Yes
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments establish a new payment adjustment program for certain rural hospitals. This program will provide rural hospitals with additional resources in order to maintain access to necessary health care services in the rural communities of Illinois. These Rural Critical Hospital Adjustment Payments (RCHAP) are

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

primarily targeted for rural hospitals that provide obstetrical care, thereby ensuring that services, especially obstetrical services, remain available in underserved rural areas.

Changes have also been made to Section 148.295 concerning the established Critical Hospital Adjustment Payment (CHAP) program. Due to a decrease in CHAP utilization, the Department is able to increase the amounts for trauma center adjustments described in subsections (a)(1), (a)(2) and (a)(3), and decrease the admission thresholds described in subsection (b)(2). It is expected that these changes will not result in any increase over fiscal year 1996 CHAP expenditures.

The new RCHAP program is a component of the budget plan for fiscal year 1997, and the Department anticipates that \$6.8 million will be spent under this program. However, aggregate medical expenditures are expected to be considerably less than the probable spending that would have resulted from more costly services in the absence of RCHAP.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

148.295 Critical Hospital Adjustment Payment (CHAP)
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Substance Alcoholism and Substance Abuse Treatment Services
148.350 Definitions
148.360 Types of Substance Alcoholism and Substance Abuse Treatment Services
148.368 Volume Adjustment (Repealed)
148.370 Payment for Substance Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Substance Alcoholism and Substance Abuse Treatment Services
148.390 Hearings
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 6073, effective

JAN 02 1996

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1995, in accordance with this Section.

a) Trauma Center Adjustments (TCA)
The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

1) Level I Trauma Center Adjustment (TCA).
A) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.
B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$19,700.00 \$19,700.00 per Medicaid trauma admission in the CHAP base period.
 - ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$12,500.00 \$12,000.00 per Medicaid trauma admission in the CHAP base period.
- 2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,900.00 \$9,400-00 per Medicaid trauma admission in the CHAP base period.

- 3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,900.00 \$9,400-00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

- A) The hospital is located in a county with no Level I trauma center; and
- B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

- 1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$3,800.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
- 2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
 - A) Hospitals with fewer than 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$100,000.00 in the CHAP rate period.
 - B) Hospitals with 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$400,000.00 in the CHAP rate period.

- 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300.00 per Medicaid Level I rehabilitation inpatient day in the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

CHAP base period.

- c) Direct Hospital Adjustment (DHA) Criteria

To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria:

- 1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:
 - A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.
 - B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- 2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:

- A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:
 - i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.
 - ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.
 - iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.
 - iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

- v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

- vi) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.

- vii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

- viii) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

factor of five.

- B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- C) Is a hospital with 3,400 or more Medicaid general care admissions in the CHAP base period.

- 3) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 2,400.

- 4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

- 5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

d) DHA Adjustment

Calculation of the DHA is as follows:

- 1) Hospitals qualifying under subsection (c)(1)(A) above shall receive an DHA of \$60.00 per Medicaid inpatient day in the CHAP base period.
- 2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive an DHA of \$30.00 per Medicaid inpatient day in the CHAP base period.
- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an additional \$20.00 per Medicaid inpatient day in the CHAP base period.
- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10.00 per Medicaid inpatient day in the CHAP base period.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 5) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120.00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65.00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.

e) Rural Critical Hospital Adjustment Payments (RCHAP) Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions occurring on or after September 1, 1996. The Department shall make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:

- 1) the product of \$745 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
- 2) the product of \$75 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

f) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), and (d) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.

g) Critical Hospital Adjustment Limitations

Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

h) Critical Hospital Adjustment Payment Definitions

The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.
- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 3) "Cost Per Day at 80 Percent Occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.
- 4) "Medicaid General Care Admission" means hospital inpatient admissions which were subsequently adjudicated by the Department

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

- 5) "Medicaid Inpatient Day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.

6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (h)(1)(6) above.

8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

9) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.39, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99. For those hospitals recognized as Level I trauma centers solely for pediatric trauma cases, Medicaid trauma admissions are only calculated for the claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.

- 10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

- 11) The CHAP base period means State Fiscal Year 1995 for RCHAP's calculated for the July 1, 1996, CHAP rate period; State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period; etc.

- 12) RCHAP General Care Admission means Medicaid General Care Admissions, as defined in subsection (h)(4) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

- 13) RCHAP Obstetrical Care Admissions means Medicaid General Care Admissions, as defined in subsection (h)(4) above, with a Diagnosis Related Group (DRG) of 370 through 375, occurring in the CHAP base period.

- 14) Beginning September 1, 1996, the Department will make RCHAP's to qualifying hospitals in four equal installments, with the last payment to be made June 30, 1997.

(Source: Amended at 21 Ill. Reg. 607-2-1, effective JAN 02 1997)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3) Section Numbers: Adopted Action:
102.200 Amendment
102.210 Amendment
102.235 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 1, 1997
- 9) Notice of Proposal Published in Illinois Register: June 7, 1996 (20 Ill. Reg. 7579)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
 1. In Section 102.210(b)(3), "except the costs of Community Care Program (CCP) services," was inserted after "paid out".
 2. In Section 102.210(c)(3), "(Aged)" was inserted after "MANG".
 3. In Section 102.210(f), the ILCS notation was corrected.
 4. In Section 102.235(a)(1), "their" was changed to "his or her".
 5. In Section 102.235(a)(2), "dwelling in which the individual" was inserted before "maintains".
 6. In Section 102.235(a)(4), "their mailing address" was changed to "his or her mailing address" and "their address used" was changed to "as his or her address used".
 7. In Section 102.235(a)(6), "his or her" was inserted before "address used".
 8. In Section 102.235(b), the comma after "home" was stricken.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS
PART 102
RIGHTS AND RESPONSIBILITIES

Section	
102.1	Incorporation By Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud - Eligibility
102.280	Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Pursuant to provisions of P. A. 89-21, changes are being made regarding the recovery of assistance. These amendments broaden the definition of estate to allow the Department's estate claim to encompass jointly held assets held by an AABD client at the time of death. This rulemaking allows an estate claim against the estate of a deceased spouse of an AABD client even when the spouse dies before the client. In addition, provisions are being added for the Department to waive an estate claim in circumstances where filing the claim would cause a hardship. Several definitions which pertain to institutionalized individuals are also being added to the rules.

This rule change revises the Department's policy on the recovery of assistance by means of an estate claim. The revisions include:

- 1) expanding the definition of "estate" to include those assets conveyed to a survivor through joint tenancy, tenancy in common, life estate, or other arrangement;
- 2) allowing an estate claim against the estate of the spouse of a client, regardless of the order of death; and
- 3) allowing an estate claim to encompass medical assistance paid out for Medicare cost-sharing expenses of a Qualified Medicare Beneficiary (QMB).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective

JAN 01 1997

Section 102.200 Recovery of Assistance

- a) By means of claims against the estates of deceased recipients and the estates of their deceased surviving spouses and liens against recipients' real property interests, the Department has a statutory right to recover assistance provided to or in behalf of recipients according to the terms prescribed in this Section.
- b) The Department shall effect its recoveries by one of the following actions:
- 1) Acceptance of an amount, as settlement, equal to the estimated amount which would be collected if the estate were administered or the lien foreclosed;
 - 2) Administration administration of the estate; or
 - 3) Foreclosure foreclosure of the lien.
- c) When the Department has both an estate claim and a real property lien, collection of the claim and lien shall be by one action.

(Source: Amended at 21 Ill. Reg. 619, effective JAN 01 1997)

Section 102.210 Estate Claims

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

a) Definitions in this Section are as follows:

- 1) "Estate" - all real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a long term care insurance policy in connection with which assets were disregarded, the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.
 - 2) "Beneficiary" - any person nominated in a will to receive an interest in property other than in a fiduciary capacity.
 - 3) "Heir" - any person entitled under the statutes to an interest in property of a decedent.
- b) The Department's claim against the estate of a deceased recipient or against the estate of the deceased recipient's deceased surviving spouse, regardless of the order of death, shall encompass:
- 1) All all income maintenance assistance paid out at any time; and either
 - 2) All all medical assistance paid out at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
 - 3) All all medical assistance paid out, except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient while 65 55 years of age or older; or
 - 4) All medical assistance paid out on or after October 1, 1993, for a recipient while 55 years of age or older; or
 - 5) All medical assistance paid out for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB).
- c) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
1) AABD (Aged)	1) 1963
2) AABD (A) (AABD(A))	2) November, 1963
(Disabled)	
3) AABD(B) and (D))	3) January 1, 1966
(Blind), and	
(Disabled) (MANG(A), (B), and (D))	

d) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

e)† The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.

f) To avoid undue hardship, the Department will waive its right to recover from a decedent's estate to the extent a court approves an award for a surviving spouse or dependent child under the Illinois Probate Act [755 ILCS 5]. The amount of the recovery waived is equal to the amount of the award or awards. Individuals seeking to obtain an award must file a petition with the probate court having jurisdiction over the decedent's estate. The procedure for providing notice to the survivors of the decedent consists of the filing of the claim. Any appeal action taken by the survivors would be with the probate court.

g)† The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:

- 1) The deceased recipient is survived by a dependent spouse and minor child or children; or
- 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

(Source: Amended at 21 Ill. Reg. 619 = , effective JAN 01 1994)

Section 102.235 Liens on Property of Institutionalized Recipients

a) Definitions in this Section are as follows:

- 1) "Institutionalized individual" - individual of any age who is an inpatient in a nursing facility or other medical institution and who must, as a condition of receiving services in the institution, apply his or her income to the cost of care.
- 2) "Individual's home" - dwelling with adjoining and related real estate which the individual owns and occupies, or when temporarily absent, dwelling in which the individual maintains an intent to return.
- 3) "Equity interest in the home" - current market value of the home less all encumbrances.
- 4) "Residing in the home for at least one or two years on a continuous basis" - occupancy of an individual's home by a sibling or child of the individual as a primary place of residence. During the one or two year period, the individual's home address was used by the sibling or child as his or her mailing address or as his or her address used for driver's license or voter registration purposes, and the address remained

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

unchanged.

5) "Discharge from the medical institution and return home" - the attending physician has signed an order for discharge from the medical institution, following which the individual has returned to reside in his or her own home.

6) "Lawfully residing" - use of the property of an individual in a medical institution as the home of a spouse or a minor, blind or disabled child, or a sibling with an ownership interest in the home. Such property must be the spouse's child's or sibling's mailing address, or his or her address used for driver's license or voter registration purposes.

b)† Except as provided in subsection (c) of this Section ~~(b)-below~~, the Department shall file a lien on all real property, including the home of a recipient of MANG(A), (B) or (D) who it determines to be permanently institutionalized, that is ~~there~~, cannot reasonably be expected to be discharged and return home from a medical ~~long-term~~ care institution.

c)† The Department will not file a lien on the home if it is occupied by the permanently institutionalized recipient's spouse, minor or disabled or blind child, or sibling who has an equity interest in the home and has legally resided in it continuously for at least one year immediately before the date the recipient was admitted to a medical ~~long-term-care~~ institution.

d)† There shall be a rebuttable presumption of permanent institutionalization when a recipient has resided for at least 120 calendar days in one or more medical institutions ~~for long-term-care~~.

e)† The Department shall provide the recipient with at least 10 calendar days advance notice of its intention to file a lien on the recipient's real property, based on its determination that the recipient is permanently institutionalized, and of the recipient's right to request and obtain a fair hearing on this determination.

(Source: Amended at 21 Ill. Reg. 619 = , effective JAN 01 1994)

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: County Jail Standards
- 2) Code Citation: 20 Ill. Adm. Code 701
- 3) Section Numbers:
701.270 Emergency Action:
701.280 Amend
701.290 New Section
New Section
- 4) Statutory Authority: Implementing and authorized by Section 5-7 of the Juvenile Court Act of 1987 [705 ILCS 405/5-7] and Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].

5) Effective Date of Amendments: January 1, 1997

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: December 23, 1996

8) Reason for Emergency: Currently minors 12 years or older may not normally be held in a county jail beyond six hours. Public Act 89-0656, effective January 1, 1997, provides for confinement of minors beyond six hours under certain conditions and in accordance with rules promulgated by the Department. Regular rulemaking has been proposed but will not be adopted prior to the effective date of this legislation. It is in the public interest to immediately provide an alternate means of confinement of juveniles. Failure to make these rules immediately available may be costly to counties and may constitute a threat to public safety if juveniles must be released due to the current time constraints for confinement.

9) A Complete Description of the Subjects and Issues Involved: Procedures for the confinement of juveniles have been added in accordance with Public Act 89-0656. These rules are exactly identical to a current proposed rulemaking.

10) Are there any proposed amendments to this Part pending? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

701.5	Amend	20 Ill. Reg. 14052; 11/1/96
701.10	Amend	20 Ill. Reg. 14052; 11/1/96
701.20	Amend	20 Ill. Reg. 14052; 11/1/96
701.30	Amend	20 Ill. Reg. 14052; 11/1/96
701.40	Amend	20 Ill. Reg. 14052; 11/1/96
701.50	Amend	20 Ill. Reg. 14052; 11/1/96
701.60	Amend	20 Ill. Reg. 14052; 11/1/96

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

701.70	Amend	20 Ill. Reg. 14052; 11/1/96
701.80	Amend	20 Ill. Reg. 14052; 11/1/96
701.90	Amend	20 Ill. Reg. 14052; 11/1/96
701.100	Amend	20 Ill. Reg. 14052; 11/1/96
701.110	Amend	20 Ill. Reg. 14052; 11/1/96
701.120	Amend	20 Ill. Reg. 14052; 11/1/96
701.130	Amend	20 Ill. Reg. 14052; 11/1/96
701.140	Amend	20 Ill. Reg. 14052; 11/1/96
701.150	Amend	20 Ill. Reg. 14052; 11/1/96
701.160	Amend	20 Ill. Reg. 14052; 11/1/96
701.170	Amend	20 Ill. Reg. 14052; 11/1/96
701.180	Amend	20 Ill. Reg. 14052; 11/1/96
701.190	Amend	20 Ill. Reg. 14052; 11/1/96
701.200	Amend	20 Ill. Reg. 14052; 11/1/96
701.210	Amend	20 Ill. Reg. 14052; 11/1/96
701.220	Amend	20 Ill. Reg. 14052; 11/1/96
701.230	Amend	20 Ill. Reg. 14052; 11/1/96
701.240	Amend	20 Ill. Reg. 14052; 11/1/96
701.250	Amend	20 Ill. Reg. 14052; 11/1/96
701.260	Amend	20 Ill. Reg. 14052; 11/1/96
701.270	Amend	20 Ill. Reg. 14052; 11/1/96
701.280	New Section	20 Ill. Reg. 14052; 11/1/96
701.290	New Section	20 Ill. Reg. 14052; 11/1/96

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

12) Information and questions regarding this amendment shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666, extension 2082

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER 1: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER f: COUNTY STANDARDS

PART 701
 COUNTY JAIL STANDARDS

Section

701.5	Definitions
701.10	Administration, Minimum Standards
701.20	Personnel
701.30	Records
701.40	Admission Procedures
701.50	Orientation
701.60	Release Procedures
701.70	Classification, Separation, Segregation
701.80	Housing
701.90	Medical and Health Care
701.100	Clothing, Personal Hygiene, Grooming
701.110	Food Services
701.120	Sanitation
701.130	Supervision
701.140	Security
701.150	Safety
701.160	Discipline
701.170	Employment of Detainees
701.180	Mail Procedures
701.190	Telephone
701.200	Visiting
701.210	Social Service Programs
701.220	Education
701.230	Library
701.240	Religious Services
701.250	Commissary
701.260	Recreation and Leisure Time
701.270	Juvenile Detention

Temporary Detention Standards

Standards for Detention of Youths Prosecuted Under the Criminal Code of 1961

EMERGENCY701.290EMERGENCY

AUTHORITY: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1003-15-2).

SOURCE: Emergency rule adopted November 7, 1974; amended at 4 Ill. Reg. 28, p. 186, effective July 1, 1980; codified at 8 Ill. Reg. 14408; amended at 12 Ill.

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

Reg. 12274, effective October 1, 1988; amended at 13 Ill. Reg. 16739, effective November 1, 1989; amended at 14 Ill. Reg. 20392, effective January 1, 1991; amended at 15 Ill. Reg. 13789, effective October 1, 1991; amended at 21 Ill. Reg. ~~626~~, effective January 1, 1997, for a maximum of 150 days.

Section 701.270 Juvenile Detention

EMERGENCY

- a) Statutory Provisions Introduction
 Sections 5-3 and 5-7 of the Juvenile Court Act of 1987 [705 ILCS 405/5-3 and 5-7] {~~Ill. Rev. Stat. 1990-Supp. 7-ch. 377-par. 5-3--and 805-7~~} state:
- 1) "Delinquent Minor" means any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance.
 - 2) "Detention" means the temporary care of a minor alleged or adjudicated as a person described in subsection (a)(1) of this Section who requires secure custody for his or her own or the community's protection in a facility designed to physically restrict his or her movements, pending disposition by the court for placement or commitment. Design features which physically restrict movement include, but are not limited to, locked rooms and the secure handcuffing of a minor to a rail or other stationary object.
 - 3) "Juvenile Detention Home" means a public facility with specially trained staff that conforms to the county juvenile detention standards (20 Ill. Adm. Code 702).
 - 4) Except as otherwise provided in subsection (a)(5) through (g) of this Section, no minor shall be detained in a county jail or municipal lockup for more than six hours.
 - A) The period of detention is deemed to have begun once the minor has been placed in a locked room or cell or handcuffed to a stationary object in a building housing a county jail or municipal lockup. Time spent transporting a minor is not considered to be time in detention or secure custody.
 - B) Any minor so confined shall be under periodic supervision and shall not be permitted to come into or remain in contact with adults in custody in the building.
 - C) Upon placement in secure custody in a jail or lockup, the minor shall be informed of the purpose of the detention, the time it is expected to last and the fact that it cannot exceed six hours.
 - D) A log shall be kept that shows the offense which is the basis for the detention, the reasons and circumstances for the decision to detain and the length of time the minor was in detention.
 - E) Violation of the 6-hour time limit on detention in a county

DEPARTMENT OF CORRECTIONS
NOTICE OF EMERGENCY AMENDMENTS

- jail or municipal lockup shall not, in and of itself, render inadmissible evidence obtained as a result of the violation of this 6-hour time limit.
- F) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age shall be kept separate from confined adults and may not at any time be kept in the same cell, room or yard with adults confined pursuant to criminal law.
- 5) If a minor age 12 or older is confined in a county jail in a county with a population below 3,000,000 inhabitants, then the minor's confinement shall be implemented in such a manner that there will be no contact by sight, sound or otherwise between the minor and adult prisoners. Minors age 12 or older must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with confined adults. This subsection (a)(5) shall only apply to confinement pending an adjudicatory hearing and shall not exceed 36 hours, excluding Saturdays, Sundays and court designated holidays. To accept or hold minors during this time period, county jails shall comply with all monitoring standards for juvenile detention homes promulgated by the Department of Corrections and training Standards Board.
- 6) To accept or hold minors, 12 years of age or older, after the time period prescribed in subsection (a)(5) of this Section but not exceeding 7 days including Saturdays, Sundays and holidays pending an adjudicatory hearing, county jails shall comply with all temporary detention standards promulgated by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.
- 7) To accept or hold minors 12 years or older after the time period prescribed in subsections (a)(5) or (6) of this Section, county jails shall comply with all programmatic and training standards for juvenile detention homes promulgated by the Department of Corrections.
- 8) When a minor who is at least 15 years of age is prosecuted under the Criminal Code of 1961, the court may enter an order directing that the juvenile be confined in the county jail. However, any juvenile confined in the county jail under this provision shall be separated from adults who are confined in the county jail in such a manner that there will be no contact by sight, sound, or otherwise between the juvenile and adult prisoners. This subsection (a)(8) shall not apply in a county having more than 3 million inhabitants.
- b) Minimum Standards for Detention of Youth--Adjudicated--as--Delinquent Minors
These standards apply to any juvenile remanded to the custody of the sheriff by legal authority after receipt of the written authorization of a probation officer or an officer of the court. The following standards for juvenile detention of delinquent minors--provided--added requirements--restrictions--or--emphasis--:
- 1) All standards in the preceding Sections apply equally to minors except where prohibited by law or by the standards in this Part or where contrary to the added requirements or restrictions of the following Sections.
- 2) Minors shall be kept separate by sight and sound from confined adults. There shall be no contact between confined adults and juveniles in the residential areas such as cells and detention rooms. Non-residential areas such as entrances, corridors, elevators, booking areas, food service areas, and program areas may achieve separation through time-phasing of the non-residential areas. The time-phasing shall be implemented so as to eliminate all but inadvertent or accidental sight or sound contact between juveniles and confined adults.
- 1) Notification of Detention
- 3) A parent, legal guardian, or person with whom the minor resides shall be notified of the minor's detention if the law enforcement officer or court officer has been unable to do so.
- 2) Records
- 4) Records of all minors under 17 years of age must be maintained separate from the records of adult arrests. Names of juveniles shall not be recorded in the same ledgers, jail registers, monthly population reports, or other records that are subject to public review.
- 5) Records of minors shall not be open to public inspection nor shall or their contents be disclosed to the public, except by order of the court or as otherwise outlined in Section 1-8 of the Juvenile Court Act of 1987 [705 ILCS 405/1-8]. When the institution of criminal proceedings has been permitted of the person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation.
- 3) Supervision
- 6) Minors Betenies shall, under the following conditions, be provided with supervision by a person of the same sex:
- A) During the performance of When following established procedures which require physical contact or examination such as body searches.
- B) During periods of personal hygiene activities and care such as showers, toileting, and related activities.
- 7) Subsection (b)(6) of this Section this subsection does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee.
- 8) A periodic visual check of juveniles confined shall be made by personal observation, not including observation by a monitoring

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

device. Periodic is defined to be a minimum of at least once every 15 minutes for the first six hours of detention and at least once every 30 minutes thereafter. Any minor subjected to segregation or isolation shall be visually checked at least every 15 minutes.

9) B) Visual checks shall be recorded by a mechanical device or logged in ink indicating:

- A) + Time of check;
- B) + Signature of responsible person; and
- C) + Any relevant remarks.

10) Minors shall be assigned single occupancy cells or detention rooms.

4) Cell-or-Detention-Room-Occupancy

Cells-or-detention-rooms-must-include-access-to-

- A) Toilet-facilities;
- B) A-washbowl;-and
- C) Drinking-water;-in-the-form-of-drinking-cups-or--a--drinking fountain;

5) Meals

11) Detainees shall be provided with meals in accordance with Section 701.110 when they are detained during the facility's normal meal periods.

6) Child-Abuse

12) Any evidence of child abuse shall be reported to the Illinois Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300.

13) Staff who will supervise youth pending an adjudicatory hearing shall be trained in the methods and techniques of juvenile care per standards approved by the Illinois Law Enforcement Training Standards Board.

14) To accept and hold minors after 36 hours, excluding Saturdays, Sundays, and court designated holidays, but not to exceed seven days including Saturdays, Sundays, and court designated holidays, the jail shall comply with the additional temporary standards for detention pending an adjudicatory hearing outlined in Section 701.280.

15) To accept and hold minors beyond seven days including Saturdays, Sundays, and court designated holidays, the jail shall comply with all programmatic and training standards outlined in 20 Ill. Adm. Code 702.

16) To accept and hold minors under 17 years of age who have been prosecuted under the Criminal Code of 1961 and confined to a county jail as directed by court order, the jail shall comply with the additional standards outlined in Section 701.290.

c) Minimum-Standards--for--Detention--of--youths--Prosecuted--Under--the Criminal-Code-of-1961
The-standards-in-the-preceding-Sections-of-this-Part-apply-equally-to minors--under--17--years--of--age-who-are-prosecuted-under-the-Criminal

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

Code-of-1961--The-following-standards-provide-additional-requirements restrictions-or-emphasis-on-detention-standards-for-minors-confined-to a-county-jail-as-directed-by-court-order:

1) Detention-Admissions

Only-those-youth-who-are-at-least-15-years-of-age-who-are--being prosecuted--under--the--Criminal--Code--of-1961-and-who-are-being confined-in-a-county-jail-under-court-order-may-be-held-in-excess of-six-hours:

A) When-a-minor-is-delivered-to-the-jail,-a-probation-officer or--such-other-public-official-designated-by-the-court-shall immediately-investigate-the-circumstances-of-the--minor--and the--facts--surrounding--the-minor-being-taken-into-custody. The-jail-officer-accepting-persons--for--confinement--must determine--that--each--is-being-confined-under-proper-legal authority;

B) A-parent,-legal-guardian-or--person-with-whom--the--minor resides--shall-be-notified-of-the-location-of-confinement-if the-law-enforcement-officer-or-court-officer-has-been-unable to-do-so;

2) Records

A) Records-of-all-minors--under--17--years--of--age--must--be maintained-separate-from-the-records-of-adult-arrests--Names of juveniles-shall-not-be-recorded-in-the-same-ledgers,-jail registers,-monthly-population-reports-or-other-records-that are-subject-to-public-review.

B) Records-shall-not-be-open-to-public-inspection--or--their contents--disclosed--to--the-public--except-by-order-of-the court-or-when-the-institution-of-criminal-proceedings--has been-permitted--or-the-person-has-been-convicted-of-a-crime and--is--the-subject-of-pre-sentence--investigation--or proceedings-on-an-application-for-probation;

3) Confinement

Minors--under--17--may-be-confined-in-cells-or-rooms-in-a-jail-or place-ordinarily-used-for-confinement-of-prisoners--at--a-county jail--but--these--cells-or-rooms-for-the-minors-must-be-separate and-distinct--from--the--cells--or--rooms--in--which--adults--are confined--this-does-not-preclude-the-very-brief-use-of-entrances, corridors,--elevators--and--booking--areas--prior-to-actual confinement;

A) Separate-and-distinct-shall-mean-no-visual--and/or--auditory contact;

B) The-same-jail-facilities-may-be-used,-but-not-simultaneously with-adults-

4) Supervision

Staff--providing-supervision--for--minors-under-17-shall-receive training-in-the-methods-and-techniques-of-juvenile-care;

A) Supervision-of-minors-under-17-shall-be-maintained-by-visual contact-with-each-youth-no-less-than-once-every-30-minutes.

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- B) A shift-log, in-ink, shall be maintained--as-a--record--of incidents--and--activities--including--supervisory--checks--occurring--on--the--shift.
- C) Supervision--shall--be--provided--by--a--person--of--the--same--sex under--the--following--conditions:
- i) When--procedures--which--require--physical--contact--or examination--such--as--body--searches--are--made.
 - ii) During--periods--of--personal--hygiene--activities--and--care such--as--showers--toileting--and--related--activities.
- B) This--standard--does--not--prohibit--the--use--of--necessary--force by--a--staff--member--of--a--sex--other--than--that--of--a--detainee.
- 5) Housing--and--Day--Rooms
- A) To--ensure--reasonable--security--sanitation--and--personal comfort--minors--shall--be--assigned--single--occupancy--cells--or detention--rooms:
- B) At--least--50--square--feet--of--floor--space--should--be--provided--in each--cell:
- C) At--least--64--square--feet--of--floor--space--should--be--provided for--each--detention--room:
- B) A--dayroom--area--should--be--provided--with--a--minimum--of--35 square--feet--per--detained--minor--for--each--cellblock--or detention--room--cluster:
- B) Each--sleeping--area--shall--be--equipped--with--a--rigidly constructed--metal--bed--securely--fastened--to--the--wall--or--floor or--a--concrete--sleeping--surface--(see--Section 701-00(b)(3)(A)).--a--toilet--washbasin--with--hot--and--cold running--water--a--suitable--flame--retardant--mattress--mattress covering--and--bed--covers--suited--to--individual--needs--and illumination--sufficient--to--guarantee--distinct--visual supervision--and--a--comfortable--reading--level:
- 6) Personal--Hygiene
- Clothing--changes--showers--shaving--and--other--personal--hygiene activities--shall--conform--at--minimum--with--those--standards pertaining--to--adult--detainees:
- 7) Food--Service
- A) Food--preparation--menu--diet--food--service--and--meal schedules--shall--conform--to--the--needs--of--growing--adolescents. A--minimum--of--27,500--to--37,000--calories--per--day--shall--be provided.
- B) Food--service--dining--areas--shall--not--be--shared--simultaneously with--adults:
- 8) Activities
- Each--youth--shall--be--offered--a--minimum--of--eight--hours--daily--of dayroom--and--recreation--activity--except--when--the--youth's--behavior endangers--required--security--jeopardizes--the--safety--and well-being--of--staff--and--other--detained--youth--or--is--a--threat--to himself--or--to--protect--property.
- A) Appropriate--reading--materials--table--games--in--sufficient

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- quantities--and--radio--and--or--television--shall--be--provided-- Recreation--of--an--energetic--nature--shall--be--offered--and--when appropriate--facilities--exist--outdoor--activities--shall--be scheduled.
- 9) Education
- A) A--regular--schedule--of--academic--instruction--and--related educational--services--appropriate--to--the--needs--of--each individual--shall--be--provided--for--those--youth--detained--beyond 36--hours--with--arrangements--made--through--the--appropriate local--school--district.
- B) Educational--classes--may--be--scheduled:
- i) Psychiatric--and--Social--Services
 - Access--to--psychiatric--psychological--casework--and--counseling services--shall--be--provided--as--needed--in--individual--cases.
 - ii) Visiting
 - A) A--liberal--visiting--schedule--shall--be--established--identifying no--fewer--than--two--visiting--days--each--week--one--of--which--must be--during--the--evening--hours--and--one--during--the--weekend--and including--all--holidays.
 - B) Visits--from--attorneys--clergy--social--workers--probation officers--or--other--persons--professionally--associated--with--a youth's--case--shall--be--permitted--at--reasonable--non--scheduled hours--These--visits--shall--not--count--against--any--limitation which--may--be--placed--on--the--number--of--visits--allowed.
 - ii) Child--Abuse
 - Any--suspected--evidence--of--child--abuse--such--as--is--defined--in Section--112A-3(i)--et--seq--of--the--Code--of--Criminal--Procedure--of 1963--(Ill--Rev--Stat--1989--ch--38--par--112A-3(i))--et--seq--shall be--reported--to--the--Illinois--Department--of--Children--and--Family Services.

(Source: Emergency amendment at 21 Ill. Reg. January 1, 1997, for a maximum of 150 days)

626 =

Section 701.280 Temporary Detention Standards

EMERGENCY

In addition to the standards in Section 701.270, the standards in this Section apply to any juvenile remanded to the custody of the sheriff who is being detained in excess of 36 hours for up to seven days.

- a) Each youth shall be offered a minimum of two hours of dayroom activity and at least one hour of physical activity daily, except when the youth's behavior endangers required security; jeopardizes the safety and well-being of staff and other detained youth; is a threat to oneself; or may cause damage to property.
- 1) Appropriate reading materials, table games in sufficient quantities, and radio or television or both shall be provided.
 - 2) Where appropriate facilities exist, outdoor activities shall be

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

scheduled.

- 3) This standard cannot be met by placing the youth in a room with a radio or television; it requires opportunities for appropriate social interaction by youth.
- b) Academic instruction shall be provided for a minimum of four hours per day, excluding weekends and holidays. The academic instruction shall be appropriate to the educational needs of each individual youth, but must be provided in person by a trained teacher or tutor. Arrangements for the instruction may be made through the local or regional school district.
- c) Access to medical, psychiatric, psychological, casework, and counseling services shall be provided as needed in individual cases.
- d) A daily visiting schedule shall be established which includes evening hours. At least one visit a day shall be afforded.
- e) Visits from attorneys, clergy, social workers, probation officers or other persons professionally associated with a youth's case shall be permitted at reasonable non-scheduled hours. These visits shall not count against any limitation which may be placed on the number of visits allowed.
- f) At least one telephone call a day may be placed or received.
- g) Every youth shall be provided with a copy of the written rules and regulations governing behavior which shall include:
 - 1) A description of conduct constituting a penalty offense;
 - 2) The types and durations of penalties which may be imposed;
 - 3) The method or conditions under which penalties may be imposed and persons so authorized to impose discipline; and
 - 4) The process for seeking information and making complaints, including time frames for resolution of complaints and appeal procedures.
- h) Minor rule violations shall be reviewed by the jail administrator within 24 hours of the occurrence of the offense; major rule violations shall be reviewed by the jail administrator within 36 hours of the occurrence of the offense.

(Source: Emergency amendment at 21 Ill. Reg. 626, effective January 1, 1997, for a maximum of 150 days)

Section 701.290 Standards for Detention of Youths Prosecuted Under the Criminal Code of 1961
EMERGENCY

In addition to the standards in Section 701.270, the standards in this Section apply to any juvenile remanded to the custody of the sheriff who is being prosecuted under the Criminal Code of 1961.

- a) When a minor is delivered to the jail, a probation officer or such other public official designated by the court shall immediately investigate the circumstances and the facts surrounding the minor's being taken into custody. The jail officer accepting persons for

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- confinement must determine that each is being confined under proper legal authority.
- b) A dayroom area with a minimum of 35 square feet per cell or detention room shall be provided for each cellblock or detention room cluster.
 - c) Each youth shall be offered a minimum of eight hours daily of dayroom and recreation activity, except when the youth's behavior endangers required security; jeopardizes the safety and well-being of staff and other detained youth; is a threat to oneself; or may cause damage to property.
 - 1) Appropriate reading materials, table games in sufficient quantities, and radio or television or both shall be provided.
 - 2) Recreation of an energetic nature shall be offered. Where appropriate facilities exist, outdoor activities shall be scheduled.
 - d) A regular schedule of academic instruction and related educational services appropriate to the needs of each individual shall be provided for those youth detained beyond 36 hours with arrangements made through the appropriate local school district. Coeducational classes may be scheduled.
 - e) Access to psychiatric, psychological, casework, and counseling services shall be provided as needed in individual cases.
 - f) A liberal visiting schedule shall be established identifying no fewer than two visiting days each week, one of which must be during the evening hours and one during the weekend. Visiting shall be permitted on all holidays.
 - g) Visits from attorneys, clergy, social workers, probation officers or other persons professionally associated with a youth's case shall be permitted at reasonable non-scheduled hours. These visits shall not count against any limitation which may be placed on the number of visits allowed.

(Source: Emergency amendment at 21 Ill. Reg. 626, effective January 1, 1997, for a maximum of 150 days)

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Health Care
- 2) Code Citation: 20 Ill. Adm. Code 415
- 3) Section Numbers:
415.30 Emergency Action:
Amend
- 4) Statutory Authority: Implementing and authorized by Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2].
- 5) Effective Date of Amendments: January 1, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable.
- 7) Date Filed in Agency's Principal Office: December 23, 1996
- 8) Reason for Emergency: Failure to implement Public Act 89-659 effective January 1, 1997, may adversely affect the public interest.
- 9) A Complete Description of the Subjects and Issues Involved: Effective January 1, 1997, Public Act 89-659 requires the Department to begin charging committed persons a \$2.00 co-pay for non-emergency medical and dental services performed outside a Department facility.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.
- 12) Information and questions regarding this amendment shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
217/522-2666, extension 2082

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 415
HEALTH CARE

Section	
415.10	Applicability
415.15	Responsibilities
415.20	Definitions
415.30	Medical and Dental Examinations and Treatment
EMERGENCY	
415.40	Mental Health Services
415.50	Mental Health Examinations and Treatment for Guilty but Mentally Ill
415.60	Review of Placements in a Specialized Mental Health Setting
415.70	Involuntary Administration of Psychotropic Medication
415.80	Organ Transplants

AUTHORITY: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3 and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14496, effective August 1, 1984; amended at 11 Ill. Reg. 10240, effective June 1, 1987; emergency amendment at 14 Ill. Reg. 13316, effective August 15, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 988, effective January 12, 1991; amended at 19 Ill. Reg. 15428, effective November 15, 1995; emergency amendment at 21 Ill. Reg. 638, effective January 1, 1997, for a maximum of 150 days.

Section 415.30 Medical and Dental Examinations and Treatment

EMERGENCY

- a) Within seven working days after admission to a reception and classification center, each committed person shall be given a physical examination by a physician or by a nurse practitioner under the direct supervision of a physician, or by a physician's assistant under the direct supervision of a physician. Each committed person shall be immunized as prescribed by the physician.
- b) Each committed person shall be examined by a dentist within 10 working days after admission to a reception and classification center. The dentist shall chart the oral cavity and classify dental health.
- c) Emergency treatment shall be available to committed persons 24 hours a day.
- d) A health care unit or area shall be established at each correctional facility within the Adult and Juvenile Divisions. Committed persons shall be admitted to the health care unit or area as determined by

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

e) health care personnel.
Committed persons shall be informed of the institutional procedures for obtaining medical, dental, or mental health services.

f) Persons committed to the Adult and Juvenile Division facilities shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.

g) Committed persons who require non-emergency medical or dental services at offices or facilities other than Department facilities shall authorize the Department to deduct a \$2.00 co-pay from present or future funds in his or her trust fund account prior to each visit. Non-emergency services are scheduled services determined necessary by a Department physician.

h) A committed person who has or is suspected of having a communicable disease may be isolated from other committed persons. This determination shall be made by a physician as deemed medically necessary.

i) In case of critical illness or major surgery, the Chief Administrative Officer shall attempt to notify the person designated by the committed person to be contacted in case of an emergency and, where applicable, the parent or guardian.

j) The decision to continue or terminate a pregnancy is a medical determination which shall be made by the committed person in consultation with her physician.

1) Committed persons contemplating an abortion shall be provided with information and counseling concerning the nature of, the consequences of, and any risks associated with the procedure and available alternatives.

2) Committed persons shall be granted a furlough for the purpose of obtaining an abortion. Committed persons shall be permitted to accept funds for an abortion from local community charities or other sources.

k) A record of all medical and dental examinations, findings, and treatment shall be maintained.

(Source: Emergency amendment at 21 Ill. Reg. January 1, 1997, for a maximum of 150 days)

638, effective

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Rights and Privileges

2) Code Citation: 20 Ill. Adm. Code 525

3) Section Numbers: Emergency Action:
525.130 Amend

4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 3-7-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-2].

5) Effective Date of Amendments: January 1, 1997

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: December 23, 1997

8) Reason for Emergency: The Department was previously required by statute to provide committed persons with postage for three one-ounce first class letters per week. Due to the passage of Public Act 89-659, effective January 1, 1997, the Department no longer provides such free postage. The rule needs to be amended immediately to remove the previous statutory requirement and to make a provision for committed persons who are without funds to file grievances with the Administrative Review Board or to communicate with the Prisoner Review Board regarding their sentences or petitions for clemency.

9) A Complete Description of the Subjects and Issues Involved: Committed persons are no longer provided with postage for three first class letters per week and rules need to be updated accordingly and to provide for communication with the Administrative Review Board and the Prisoner Review Board.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

12) Information and questions regarding this amendment shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, IL 62794-9277
217/522-2666, extension 2082

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 525
RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section	
525.10	Applicability
525.12	Definitions
525.15	Responsibilities
525.20	Visiting Privileges
525.30	Clergy Visitation
525.40	Attorney Visitation - Adult and Community Services Divisions
525.50	Attorney Visitation - Juvenile Division (Court Agreement)
525.60	Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section	
525.100	Applicability
525.110	Definitions
525.115	Responsibilities
525.120	Processing of Mail
525.130	Outgoing Mail
<u>EMERGENCY</u>	
525.140	Incoming Mail
525.150	Telephone Privileges

SUBPART C: PUBLICATIONS

Section	
525.200	Applicability
525.202	Definitions
525.205	Responsibilities
525.210	General Guidelines
525.220	Publications Review Committee
525.230	Appeal Process for Non-approved Publications

SUBPART D: MARRIAGE OF COMMITTED PERSONS

Section	
525.300	Applicability
525.302	Definitions
525.305	Responsibilities
525.310	Request for Permission to Marry

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-7-4, 3-8-7, and 3-10-8 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-7-4, 3-8-7, and 3-10-8] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2, 3-7-1, and 3-7-4 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, and 3-7-4]. Subparts A and C are also implementing Consent Decrees (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977 and Green vs. Stelaff, #71 C 1403, N.D. Ill., 1973 and amended 1976).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. ~~641~~ **641**, effective January 1, 1997, for a maximum of 150 days.

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.130 Outgoing Mail

EMERGENCY

This Section applies only to the Adult and Juvenile Divisions.

a) ~~Committed persons shall be permitted to mail at State expense the equivalent of three one-ounce first-class letters to a destination within the continental United States each week. This allowance may not be transferred from one committed person to another, nor may it accumulate from one week to another.~~

a)b) Committed persons shall be permitted to send additional letters if they have sufficient funds in their trust fund accounts and attach signed money vouchers to cover the postage. Committed persons with insufficient money in their trust fund accounts shall be permitted to send reasonable amounts of legal mail and mail to clerks of any court or the Illinois Court of Claims, and to certified court reporters, to the Administrative Review Board, and to the Prisoner Review Board at State expense if they attach signed money vouchers authorizing deductions of future funds to cover the cost of the postage. All other privileged and non-privileged mail will be sent only if the committed person has sufficient funds to pay the postage.

b)c) Committed persons must clearly mark all outgoing mail with their name and in the Adult Division with their institutional number. Mail that is not properly marked, including privileged mail, shall be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

destroyed.

c)d) Outgoing privileged mail must be clearly marked as "privileged" and sealed by the committed person. Outgoing mail which is clearly marked as privileged and addressed to a privileged party may not be opened for inspection except as provided in subsection (d) of this Section.

d)e) In the Adult Division, outgoing privileged mail shall be examined for dangerous contraband, using an x-ray, fluoroscope, or other similar device. Such examination may be conducted in the Juvenile Division. Outgoing privileged mail may be inspected for dangerous contraband by other means which do not damage the mail and which do not permit the mail to be read. Except in an emergency, outgoing privileged mail shall not be opened, unless there is reasonable suspicion that dangerous contraband is contained therein, legal services is consulted, and the mail is opened in the committed person's presence. **e)f)** With the exception of privileged mail, all mail shall be unsealed when collected or placed in housing unit mailboxes. Sealed mail that is not privileged will be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.

f)g) Each correctional facility shall establish procedures for the collection of outgoing mail. Collections shall be made daily, Monday through Friday, except on State holidays. Every effort shall be made to ensure that mail is delivered to the U.S. Postal Service on the same day.

g)h) Outgoing non-privileged mail shall be inspected for contraband. If a letter from a committed person is confiscated because it contains contraband, the committed person shall be notified promptly in writing.

h)i) Department employees may spot check and read outgoing non-privileged mail. Outgoing non-privileged mail or portions thereof may be reproduced or withheld from delivery if it presents a threat to security or safety, including the following:

- 1) The letter contains threats of physical harm against any person or threats of criminal activity;
- 2) The letter contains threats of blackmail or extortion;
- 3) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;
- 4) The letter is in code and its contents cannot be understood by correctional staff;
- 5) The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules;
- 6) The letter solicits gifts, goods, or money from other than family members;
- 7) The letter contains information which, if communicated, might result in physical harm to another;

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- 8) The letter contains unauthorized correspondence with another committed person; or
- 9) The letter or contents thereof constitute a violation of State or federal law.
- i)†† Any outgoing letter may be stopped and returned to the sender if the person to whom it is addressed (or a parent or guardian, if the addressee is a minor or incompetent) has notified the Chief Administrative Officer in writing that the person does not wish to receive mail from the committed person. This rule shall not be construed to prevent committed persons from corresponding with their children unless their parental rights have been terminated.
- j)†† If a committed person is prohibited from sending a letter or portions thereof, the committed person shall be informed in writing of the decision.
- k)†† Material from a letter which violates subsection (i) of this Section may be placed in a committed person's master file.
- l)†† Committed persons may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

(Source: Emergency amendment at 21 Ill. Reg. ~~641-23~~, effective January 1, 1997, for a maximum of 150 days)

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: School District #428
- 2) Code Citation: 20 Ill. Adm. Code 405
- 3) Section Numbers: Emergency Action:
405.17 Amend
405.80 New Section
- 4) Statutory Authority: Implementing and authorized by Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2].
- 5) Effective Date of Amendments: January 1, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable.
- 7) Date Filed in Agency's Principal Office: December 23, 1996
- 8) Reason for Emergency: Failure to implement Public Act 89-659 effective January 1, 1997, may adversely affect the public interest.
- 9) A Complete Description of the Subjects and Issues Involved: Effective January 1, 1997, Public Act 89-659 requires committed persons to reimburse the Department for cost of educational expenses that lead to the award of or complete the necessary course work required to earn a degree. This rulemaking is necessary to inform the committed persons of the procedures established by the Department as well as their obligation to reimburse the Department.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

12) Information and questions regarding this amendment shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, IL 62794-9277
217/522-2666, extension 2082

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER d: PROGRAMS AND SERVICES

PART 405
 SCHOOL DISTRICT #428

Section

405.10 Applicability

405.15 Responsibilities

405.17 Definitions

EMERGENCY

405.20 Adult and Juvenile Educational Programs

405.30 Assistance to Community Services Division

405.40 Evaluation (Repealed)

405.50 Adult Basic Education Attendance

405.55 Educational Good Conduct Credits (Repealed)

405.60 Juvenile Educational Attendance

405.70 Suspension of Programs

405.80 Educational Reimbursement

EMERGENCY

AUTHORITY: Implementing Sections 3-2-2, 3-6-2, 3-6-3, 3-8-3, 3-9-1, 3-10-2 and 3-12-3 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-6-3, 3-8-3, 3-9-1, 3-10-2 and 3-12-3] and Section 13-40 through 13-45 of the Illinois School Code [105 ILCS 5/13-40 through 13-45] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14624, effective August 1, 1984; amended at 11 Ill. Reg. 2742, effective February 1, 1987; emergency amendments at 14 Ill. Reg. 19389, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5642, effective April 15, 1991; amended at 16 Ill. Reg. 10449, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 16227, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2970, effective February 14, 1994; emergency amendment at 21 Ill. Reg. 6474, effective January 1, 1997, for a maximum of 150 days.

Section 405.17 DefinitionsEMERGENCY

"Achievement test" means a nationally normed instrument, which has been approved by the Superintendent of School District #428, that measures an individual's educational grade level.

"Associate level courses" means academic and vocational courses that are approved by a college or university as meeting the requirements for an award of an Associate's Degree.

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

"Baccalaureate level courses" means academic and vocational courses that are approved by a college or university as meeting the requirements for an award of a Bachelor's Degree.

"Billable course work" means course work in which the committed person is enrolled in or begins on or after January 1, 1997, while incarcerated that is necessary for a degree.

"Degree" means an academic title awarded by a college or university upon the completion of an approved course of study. Types of degrees awarded are associate's, bachelor's, etc.

"Educational programs" means courses of academic and vocational instruction offered to persons committed to the Adult and Juvenile Divisions as approved by School District #428; or courses of academic and vocational instruction offered in the free community; or vocational work training programs offered by the Department or outside resources.

"Full-time student" means a committed person who is enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours a week; or a committed person who is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester.

"Higher level courses" means academic courses that are approved by a college or university as meeting the requirements for an award of any degrees beyond the Bachelor's Degree.

"90 instructional day program" means a period of 90 days of remedial education, excluding days of absence or days in which no instruction was offered.

"Instructional day" means a day in which instruction is provided.

"Sexually dangerous person" means any person as defined in Ill. Rev. Stat. 1991, ch. 38, par. 105-1.01 [725 ILCS 205/1.01].

"Superintendent" means the Superintendent of the Department of Corrections School District #428.

"Technical violator" means a committed person who has been returned to a Department facility due to a violation of the conditions of his parole or mandatory supervised release, but does not include a committed person who has been convicted of a new offense.

"Working days" means Monday through Friday, excluding State holidays.

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at 21 Ill. Reg. _____, effective January 1, 1997, for a maximum of 150 days)

Section 405.80 Educational Reimbursement EMERGENCY

- a) Effective January 1, 1997, committed persons who participate in educational programs provided through the Department and who are either awarded or complete the necessary course work required to earn a degree through these programs shall be required to reimburse the Department for the cost incurred for all billable course work.
- b) Each fiscal year, the Department shall determine the cost of courses that meet the requirements for the award of a degree. Committed persons shall be informed of the fees by posted notices, warden's bulletins, handbooks, or another similar manner.
- c) Per credit hour fees shall be determined for associate level courses, baccalaureate level courses, and vocational courses.
- 1) To determine fees for academic courses such as associate or baccalaureate level courses, divide the statewide educational contracts cost for the appropriate level courses using the latest fiscal year for which all final expenditures are known by the average number of credit hours for that fiscal year. Divide that sum by the average number of students per course.
 - 2) To determine fees for vocational courses, divide the statewide vocational contracts cost using the latest fiscal year for which all final expenditures are known by the average number of vocational credit hours. Divide that sum by the average number of students per course.
- d) Reimbursement shall be required for any billable course work either:
- 1) Upon the award of a degree; or
 - 2) Upon accumulation of the course work required to be eligible for the award of a degree.
- e) To reimburse the Department, the committed person may:
- 1) Submit full payment for the educational cost;
 - 2) Authorize a monthly payment to be deducted from his or her trust fund account; or
 - 3) Make alternative payment arrangements.
- f) Where a committed person who has an outstanding educational reimbursement balance is discharged or placed on parole or mandatory supervised release, interest at the rate of six percent per annum shall be assessed on any unpaid balance until the account is paid in full. No interest shall be assessed or accrued while the committed person is incarcerated.

(Source: Emergency amendment at 21 Ill. Reg. 647 = 3, effective January 1, 1997, for a maximum of 150 days)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Operating Procedures for the Administration of Federal Funds
- 2) Code Citation: 20 Ill. Adm. Code 1520
- 3) Section Numbers: Emergency Action:
1520.10 Amendment
New Section
1520.48
1520.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].
- 5) Effective Date of Amendments: December 26, 1996
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable.
- 7) Date filed in Agency's Principal Office: December 23, 1996
- 8) Reason for Emergency: The Illinois Criminal Justice Information Authority ("Authority") anticipates receiving federal funds for various new federal programs that are not governed by the Authority's existing federal funding rules. One such program, enacted through the Omnibus Fiscal Year 1996 Appropriations Act (Public Law 104-134), is the Local Law Enforcement Block Grants Program. Under the Local Law Enforcement Block Grants Program, funds may be used for one or more of seven purpose areas aimed at reducing crime and improving safety, all of which directly impact the public interest and welfare. These seven purpose areas include law enforcement support, crime prevention programs, enhancement of security in schools and other facilities, drug court establishment, enhancement of the adjudication of violent offenders, multi-jurisdictional task force establishment, and defrayment of costs of indemnification insurance for law enforcement officers. These important purpose areas all affect the public interest and welfare in regard to fighting crime and enhancing public safety, and are purpose areas that should be funded as soon as possible after the receipt of such block grant funds.
- The Authority has been designated to receive Local Law Enforcement Block Grants Program funds that are made available for the State of Illinois, for distribution to State and local units of government for purposes of reducing crime and improving safety.
- To fully serve the public interest and welfare, the Authority must begin administering funds that it receives pursuant to federal programs such as the Local Law Enforcement Block Grants Program as soon as possible after their receipt. To do so, the Authority needs to have in place operating procedures for the administration of such federal funds. With these

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

operating procedures in place, the Authority may begin funding projects that affect the public interest and welfare, such as projects aimed at fighting crime and enhancing public safety.

For the foregoing reasons, the Authority finds that there exists a situation that constitutes a threat to the public interest and welfare within the meaning of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45].

9) A Complete Description of the Subjects and Issues Involved: Delineates operating procedures for the administration of federal program funds, other than those subject to Section 1520.40, 1520.46 or 1520.47, to State agencies, units of local government, not for profit organizations, and other eligible organizations and entities, and appeals taken therefrom.

10) Are there any proposed amendments to this Part Pending: No

11) Statement of Statewide Policy Objectives: These rules do not require local governments to establish, expand or modify their activities in any way.

12) Information and questions regarding these amendments shall be directed to:

Kristi J. Kangas, Legal Advisor
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, IL 60606-3997
(312) 793-8550

The full text of the emergency amendments begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE
INFORMATION AUTHORITY

PART 1520

OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL FUNDS

Section
1520.10 Purpose and Authorization

EMERGENCY

1520.20 Definitions

1520.30 Application and Receipt of Justice Assistance Act of 1984 Funds

1520.40 Application and Receipt of Victims of Crime Act of 1984 Funds

1520.45 Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds

1520.46 Application and Receipt of Anti-Drug Abuse Act of 1988 Funds

1520.47 Application and Receipt of Violence Against Women Act of 1994 Funds

1520.48 Application and Receipt of other Federal Program Funds

EMERGENCY

1520.50 Administration of Federal Funds

EMERGENCY

1520.60 Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expired September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989; emergency amendments at 20 Ill. Reg. 3335, effective February 2, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8316, effective June 7, 1996; emergency amendments at 21 Ill. Reg. 6511, effective December 26, 1996, for a maximum of 150 days.

Section 1520.10 Purpose and Authorization

EMERGENCY

a) The Illinois Criminal Justice Information Authority (Authority) establishes this Part to exercise its responsibility to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by the United States pursuant to the federal Crime Control Act of 1973 (P.L. 93-83), as amended, and similar federal legislation, and to enter into agreements with the United States Government to further the purposes of the Act, or as may be required as a condition of obtaining federal funds, ... [20 ILCS

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

3930/7(k))

- b) Pursuant to the Organizational rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. This duty includes responsibility for establishing grant award procedures, submission of the Applications for funds and oversight of the grant award procedures for Justice Assistance Act of 1984 (P.L. 98-473, effective October 12, 1984) Victims of Crime Act of 1984 (P.L. 98-473, effective October 12, 1984), State and Local Law Enforcement Assistance Act (P.L. 99-570, effective October 27, 1986), Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988), and Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994), and other federal program funds that the Authority is designated to administer funds.

(Source: Emergency amendment at 21 Ill. Reg. **651** ~~1~~ ², effective December 26, 1996, for a maximum of 150 days)

Section 1520.48 Application and Receipt of other Federal Program Funds

EMERGENCY

- a) If required by the funding source or if federal program purposes would be furthered by doing so, the Authority shall select funding priorities which shall guide the funding process. Funding priorities may identify the types of eligible implementing agencies, federal program purpose areas, specific project types, or costs that shall be given consideration for funding. Funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.330), and shall be developed according to the following criteria:
- 1) if required by the funding source or if federal program purposes would be furthered by doing so, oral and written comment and testimony received at public meetings conducted in conformance with the Open Meetings Act;
 - 2) comments from State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;
 - 3) information, current research findings and surveys that are relevant to federal program purposes; and
 - 4) analysis of the needs of eligible implementing agencies, the need to fund projects that cover federal program purposes and the need for items that represent allowable costs: as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs.
- b) The Authority shall review the purposes of federal program funds, other than those subject to sections 1520.40, 1520.46 or 1520.47, and

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

make a determination, at a public meeting in conformance with the Open Meetings Act, as to whether a needs-based or competitive funding process would best meet the overall goals and objectives of the federal program. To make that determination, the Authority shall consider:

- 1) the requirements of the funding source, including:
 - A) the number, and types, of federal program purpose areas;
 - B) the number, and types, of implementing agencies eligible for funding;
 - C) the number and types of costs to which the funds may be applied; and
 - D) other conditions and restrictions imposed by the funding source, and State and federal law.
 - 2) the immediacy of the need to spend the funds, including whether the funds are to be used to serve immediate and vital needs of persons or communities, and whether the length of time during which the funds must be spent is insufficient to allow for a competitive funding process;
 - 3) the services currently available to meet the needs of the federal program; and
 - 4) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities.
- c) If the Authority chooses to distribute the funds on a competitive basis as provided in subsection (b) above, then the Executive Director of the Authority shall develop a request for proposals (RFP) based on the following criteria:
- 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;
 - 2) requirements imposed on the Authority and potential recipient implementing agencies by the funding source, and State and federal law;
 - 3) the nature and complexity of federal program purpose areas;
 - 4) the number and types of implementing agencies eligible to receive funds;
 - 5) an analysis of need, as described in subsection (a), subsection (4) above;
 - 6) information, current research findings and surveys that are relevant to federal program purposes; and
 - 7) demographic, medical, social science, criminal justice and statistical data that is relevant to federal program purposes.
- d) RFP's developed pursuant to the criteria described in subsection (c) above, shall include:
- 1) the purposes, goals and objectives of the federal program, and the types of projects that will be considered for funding;
 - 2) requirements that implementing agencies receiving funds must meet, and adhere to, such as eligibility, reporting and fiscal requirements;
 - 3) certifications required by the funding source, and State and

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications; the criteria by which the Budget Committee or, at the Budget Committee's direction, the Executive Director of the Authority will select proposals for funding; such criteria shall be given an associated weight and shall include:

- A) the adequacy with which the proposed project reflects the purposes, goals and objectives of the federal program;
 - B) whether the proposer is an eligible implementing agency as defined by federal program requirements;
 - C) the technical merit of the project design, as reflected in the proposal received by the Authority;
 - D) the qualifications of key personnel, as reflected in the descriptions or resumes that the proposer submitted to the Authority, if the nature of the projects that will be considered for funding calls for an assessment of such criteria;
 - E) the sufficiency of the proposal management plan, which includes an assessment of the methods by which the proposer will administer the project, both fiscally and programmatically, to achieve the goals and objectives of the project;
 - F) the proposer's capability to carry out the goals and objectives of the project in the manner reflected by the proposal received by the Authority;
 - G) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;
 - H) the proposer's history of administering projects similar to the one proposed and of receiving and managing federal program funds, if applicable; and
 - I) any additional criteria required by the funding source or that would further federal program purposes.
- 5) the deadline by which, and location where, proposals must be received by the Authority;
- 6) the total amount, and sources, of federal funding available for distribution through the RFP process, and the maximum amount of federal funding that eligible implementing agencies may apply for through the submission of an RFP;
- 7) any matching contribution requirements that shall be imposed upon implementing agencies that receive federal funds;
- 8) the anticipated time period of the projects which may be funded; and
- 9) any other information required by the funding source or that would further federal program purposes.
- e) The Budget Committee, or, at the Budget Committee's direction, the Executive Director of the Authority, shall make designations as to

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

specific projects, specific implementing agencies and funding amounts, based on the criteria set forth in the RFP, as described in subsection (d) above; Budget Committee designations shall be made, and Executive Director designations shall be reported, at public meetings conducted in conformance with the Open Meetings Act.

- f) If the Authority chooses to distribute the funds using a needs-based process, based on the criteria in subsection (b) above, then the Executive Director of the Authority shall make funding recommendations to the Budget Committee, which may include recommendations as to implementing agencies, projects, and costs that should be covered by federal program funds; the Executive Director's recommendations to the Budget Committee shall be based upon:
- 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;
 - 2) analysis of the needs of types of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;
 - 3) requirements imposed by the funding source, and State and federal law, on the Authority and potential recipient implementing agencies;
 - 4) the nature and complexity of federal program purpose areas;
 - 5) the number and types of implementing agencies eligible to receive funds;
 - 6) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes; and
 - 7) information, current research findings and surveys that are relevant to federal program purposes.
- g) The Budget Committee shall make designations as to specific projects, specific implementing agencies and funding amounts; Budget Committee designations shall be made at public meetings in conformance with the Open Meetings Act and shall be based upon:
- 1) funding recommendations made by the Executive Director of the Authority according to subsection (f) above;
 - 2) analysis of the needs of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;
 - 3) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- federal program purposes;
- 4) the period of availability of the federal program funds and the immediacy of the need to spend the funds, including whether federal program funds are to be used to serve immediate and vital needs of persons or communities that specific implementing agencies and specific projects could readily address;
 - 5) the likelihood that a specific project type will achieve the overall goals and objectives of the federal program, by making an assessment of the adequacy with which a specific project type will meet the purposes, goals and objectives of the federal program; by examination of the results of evaluation of existing similar projects; and by analysis of results of tests or demonstrations that are relevant to the federal program's purposes, goals and objectives;
 - 6) the effectiveness of a specific project type, by making an assessment of the manner in which a particular problem will be addressed by the project type;
 - 7) the efficiency with which a specific implementing agency could administer a project and the overall costs of specific project types; and
 - 8) the ability of a specific entity to secure alternate funding sources for the project once federal program funds are no longer available.
- b) Pursuant to applicable federal legislation and guidelines, the Application to the funding source shall include all information, certifications and assurances that are required by the funding source. Subsequent to notification by the funding source that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated to receive federal program funds pursuant to subsections (e) and (g) above, specifying the terms and conditions under which the projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Emergency amendment at 21 Ill. Reg. effective December 26, 1996, for a maximum of 150 days)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

Section 1520.50 Administration of Federal Funds

EMERGENCY

- a) All implementing agencies shall operate in conformance with the following state and federal laws, rules, regulations and guidelines, when applicable, hereby incorporated by reference: the Justice Assistance Act of 1984; the Victims of Crime Act of 1984; the State and Local Law Enforcement Assistance Act of 1986; the Anti-Drug Abuse Act of 1988; the Violence Against Women Act of 1994; the Office of Justice Programs' Financial Guide the--Office-of-Justice-Programs-Financial-and-Administrative-Guide-for-Grants-M7400-1B-(May-15-1996); the Office of Management and Budget Circular A-128 (50 FR 19114, effective April 12, 1985); the Office of Management and Budget Circular A-133 (61 FR 19133, effective April 30, 1996); the Illinois Grant Funds Recovery Act (30 ILCS 705); the Illinois Purchasing Act (30 ILCS 505); the State Comptroller Act (15 ILCS 405); the U.S. Department of Justice, Bureau of Justice Assistance, Rules for Criminal Justice Block Grants (28 CFR 33.1 et seq., effective May 30, 1985); the U.S. Department of Justice Regulations Governing Criminal History Record Information Systems (28 CFR 20.1 et seq., effective December 6, 1977); the U.S. Department of Justice Regulations Governing the Confidentiality of Identifiable Research and Statistical Information (28 CFR 22.1 et seq., effective December 15, 1976); the Department of Justice Interim Final Program Guidelines for the Victims of Crime Act Victim Assistance Grant Program (60 FR 24888 et seq., effective May 10, 1995); the Department of Justice Program Guidelines for the Drug Control and System Improvement Formula Grant Program (53 FR 52244 et seq., effective December 27, 1988); and the Department of Justice Program Guidelines for the STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women) (28 CFR 90 et seq., effective April 18, 1995); and any other federal legislation and guidelines that are applicable to federal program funds that the Authority administers. The laws, rules, regulations and guidelines incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public inspection or copying upon request at no more than cost.
- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within 28 days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

be terminated by the Executive Director if performance of the interagency agreement is not reinstated within 28 days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the chairman of the Budget Committee or, in the event the chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than 28 days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

possible, but within five working days.

(Source: Emergency amendment at 21 Ill. Reg. 651, effective December 26, 1996, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Emergency Action:
112.10 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 1, 1997
- 8) Reason for Emergency: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was enacted August 22, 1996. Many of the new provisions regarding citizenship provide options to the State while several of the provisions regarding current recipients could not be implemented prior to January 1, 1997. Decisions on the options Illinois would adopt have not been made until recently but they must be implemented as soon as possible.
- 9) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted August 22, 1996.
- Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

Companion amendments are also being proposed to Parts 113, 114 and 120.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.66	New Section	August 16, 1996 (20 Ill. Reg. 10766)
112.71	Amendment	August 30, 1996 (20 Ill. Reg. 11560)
112.75	New Section	September 13, 1996 (20 Ill. Reg. 12326)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
112.414	Amendment	August 23, 1996 (20 Ill. Reg. 13138)
11)	<u>Statement of Statewide Policy Objectives:</u> These emergency amendments do not affect units of local government.	

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship

EMERGENCY

112.20 Residence

112.30 Age

112.40 Relationship

112.50 Living Arrangement

112.52 Social Security Numbers

112.54 Assignment of Medical Support Rights

112.60 Lack of Parental Support or Care

112.61 Death of a Parent

112.62 Incapacity of a Parent

112.63 Continued Absence of a Parent

112.64 Unemployment of the Parent

112.65 Employment Plan

112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section

112.70 Participation Requirements for JOBS

112.71 Individuals Exempt from JOBS

112.72 JOBS Participation/Cooperation Requirements

112.73 Adolescent Parent Program

112.74 JOBS Initial Assessment Process/Development of an Employability Plan

112.76 JOBS Orientation

112.77 Conciliation and Fair Hearings

112.78 JOBS Components

112.79 JOBS Sanctions

112.80 Good Cause for Failure to Comply with JOBS Participation Requirements

112.81 Responsible Relative Eligibility for JOBS

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

112.82 JOBS Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance

112.87 Project Advance Experimental and Control Groups

112.88 Project Advance Participation Requirements of Experimental Group
Members and Adjudicated Fathers

112.89 Project Advance Cooperation Requirements of Experimental Group
Members and Adjudicated Fathers

112.90 Project Advance Sanctions

112.91 Good Cause for Failure to Comply with Project Advance

112.93 Individuals Exempt From Project Advance

112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income

112.101 Unearned Income of Stepparent or Parent

112.105 Budgeting Unearned Income

112.106 Budgeting Unearned Income of Applicants Employed On Date of
Application And/Or Date Of Decision

112.107 Initial Receipt of Unearned Income

112.108 Termination of Unearned Income

112.110 Exempt Unearned Income

112.115 Education Benefits

112.120 Incentive Allowances

112.125 Unearned Income In-Kind

112.126 Earmarked Income

112.127 Lump Sum Payments

112.128 Protected Income

112.130 Earned Income

112.131 Earned Income Tax Credit

112.132 Budgeting Earned Income

112.133 Budgeting Earned Income of Applicants Employed On Date of Application
And/Or Date Of Decision

112.134 Initial Employment

112.135 Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section
 112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
 112.362 Additional Service to Secure or Maintain Child Care Arrangements
 112.364 Rates of Payment for Child Care
 112.366 Method of Providing Child Care
 112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
 112.406 Loss of Eligibility for Transitional Child Care
 112.408 Qualified Child Care Providers
 112.410 Notification of Available Services
 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.10 Citizenship

EMERGENCY

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below ~~7-an-alien-legally-admitted-for-permanent-residence-or-an-alien-admitted-under-color-of-law-according-to-the-following-definitions:~~

a) Citizenship status -- Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).

b) Non-citizen Aliens

1) Alienage-status---Persons-residing-in-the-U-S---but-not-citizens-by-birth-or-naturalization-are-considered-alien- The following categories of non-citizens ~~types---of--aliens~~ may receive assistance, if otherwise eligible:

A) United States veterans honorably discharged and persons on active military duty, and the spouse and unmarried dependent children of such persons;

B) Refugees under Section 207 of the Immigration and Nationality Act (INA);

C) Asylees under Section 208 of the INA;

D) Persons for whom deportation has been withheld under Section 243(h) of the INA;

E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA; and

G) Parolees, for at least one year, under Section 212(d)(5) of the INA.

2) Those persons who are in the categories set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

A) ~~immigrants---aliens-admitted-for-permanent-residence-~~

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- B) Refugees---Persons--admitted-pursuant-to-the-Refugee-Act-of 1980-(8-U.S.C.-1157-et-seq-)
- C) Political-asylees-
- B) Persons-granted-temporary-pasole--{includes--Cuban/Haitian Entrants-whose-status-is-pending};
- B) Applicants-for-asylum-from-any-country;
- F) Aliens-who-have-continuously-resided-in--the-U.S.-since January-1,-1972;
- G) Aliens-granted-stays-of-deportation-by-court-order--statute or--regulation--or--by--individual-determination-of-the-INS pursuant-to-8-U.S.C.-1105(a)-or-pursuant-to--INS--Operations Instruction-243-3;
- H) Aliens-granted--deferred--actions--status--pursuant--to--INS Operations--Instruction-103-1a(f);
- I) Aliens--residing--in--the--United--States--under--order--of supervision-pursuant-to-8-U.S.C.-1252(d);
- J) Aliens-whose-deportation--has-been-withheld-pursuant-to-8 U.S.C.-1253(h);
- K) Aliens-granted-suspension--of--deportation--pursuant--to--8 U.S.C.-1254;
- B) Persons--permanently--residing-in-the-United-States-with-the approval-of-the-Immigration-and-Naturalization-Service-(INS) or-who-are-cooperating-with-INS-regarding-their--status--and who-are-not-under-a-direct-final-order-of-deportation;
- 2) It--does--not--include--persons-living-in-the-United-States-under-a student--visa--or--tourist--visa--or--persons--who--are--exchange visitors--temporary-workers--intercompany--transferees--visitors for--business--finances--of--U.S.--citizens--diplomats--treaty traders--or--treaty-investors-are-not--"permanently-residing-here" so-do-not-meet-the-citizenship-requirement.

(Source: Emergency amendment at 21 Ill. Reg. 662 ± , effective January 1, 1997, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Emergency Action:
113.10 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 1, 1997
- 8) Reason for Emergency: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was enacted August 22, 1996. Many of the new provisions regarding citizenship provide options to the State while several of the provisions regarding current recipients could not be implemented prior to January 1, 1997. Decisions on the options Illinois would adopt have not been made until recently but they must be implemented as soon as possible.
- 9) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

Companion amendments are also being proposed to Parts 112, 114 and 120.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference
SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY	

Section	
113.9	Client Cooperation
113.10	Citizenship
EMERGENCY	
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

113.115 Initial Employment
 113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
 113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely Than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6556, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 6733, effective January 1, 1997, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.10 Citizenship
EMERGENCY

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below: ~~an alien-legally-admitted-for-permanent-residence--or--an alien-admitted-under-color-of-law-according-to-the-following-definitions:~~

- a) Citizenship status -- Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).

b) Non-citizens Aliens

- 1) ~~Alienage-status---Persons-residing-in-the-U-S-7-but-not-citizens by-birth-or-naturalization-are-considered-alien-~~ The following categories of non-citizens ~~types---of--aliens~~ may receive assistance, if otherwise eligible:

A) United States veterans honorably discharged and persons on active military duty, and the spouse and unmarried dependent children of such persons;

B) Refugees under Section 207 of the Immigration and Nationality Act (INA);

C) Asylees under Section 208 of the INA;

D) Persons for whom deportation has been withheld under Section 243(h) of the INA;

E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

INA; and
G) ~~Parolees, for at least one year, under Section 212(d)(5) of the INA.~~

A) ~~Immigrants---aliens-admitted-for-permanent-residence-~~

B) ~~Refugees---Persons-admitted-pursuant-to-the-Refugee-Act--of-1980--(8-U-S-C--1157-et-seq-)~~

C) ~~Political-asylees-~~

D) ~~Persons--granted--temporary--parole--(includes-Cuban/Haitian Entrants-whose-status-is-pending)-~~

E) ~~Applicants-for-asylum-from-any-country-~~

F) ~~Aliens-who-have--continuously--resided--in--the--U-S--since-January-17-1972-~~

G) ~~Aliens--granted--stays-of-deportation-by-court-order--statute-or--regulation--or--by--individual--determination--of--the-Immigration--and--Naturalization-Service--(INS)--pursuant-to-8-U-S-C--1195(a)-or-pursuant-to--INS--Operations--Instruction-243-3-~~

H) ~~Aliens--granted--deferred--action--status--pursuant-to--INS-Operations--Instruction-103-1a--(1)-~~

I) ~~Aliens---residing--in--the--United--States--under--order--of-supervision-pursuant-to-8-U-S-C--1252(d)-~~

J) ~~Aliens-whose-deportation-has-been--withheld--pursuant--to--8-U-S-C--1253(h)-~~

K) ~~Aliens--granted--suspension--of--deportation--pursuant--to--8-U-S-C--1254-~~

L) ~~Persons-permanently-residing-in-the-United-States--with--the-approval-of-the-Immigration-and-Naturalization-Service--(INS)-or--who--are-cooperating-with-INS-regarding-their-status-and-who-are-not-under-a-direct-final-order-of-deportation-~~

M) ~~Persons--granted--lawful--residence--status--under--the-Immigration--Reform--and--Control--Act--of--1986--(Section-201(h)(2)(B)-of-P-5-99-683)-~~

- 2) Those persons who are in the categories set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States. It does not include persons living in the United States under a student visa or tourist visa or persons who are exchange visitors, temporary workers, intercompany transferees, visitors for business, fiancées of U.S. citizens, diplomats, treaty traders or treaty investors are not "permanently residing here" so do not meet the citizenship requirement.

(Source: Emergency amendment at 21 Ill. Reg. January 1, 1997, for a maximum of 150 days)

673

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers:
114.10 Emergency Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 1, 1997
- 8) Reason for Emergency: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was enacted August 22, 1996. Many of the new provisions regarding citizenship provide options to the State while several of the provisions regarding current recipients could not be implemented prior to January 1, 1997. Decisions on the options Illinois would adopt have not been made until recently but they must be implemented as soon as possible.

- 9) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

Companion amendments are also being proposed to Parts 112, 113 and 120.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
217/524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114

GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.3	Advocacy Program for Persons Receiving State Transitional Assistance
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

114.9	Client Cooperation
114.10	Citizenship
EMERGENCY	
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements (Outside City of Chicago only)
114.61	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62	Job Service Registration (Outside City of Chicago only)
114.63	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64	Responsibility to Seek Employment (Outside City of Chicago only)
114.70	Initial Employment Expenses (Outside City of Chicago only)
114.80	Downstate General Assistance Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section

114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers

Section

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DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

114.110 Project Advance Cooperation Requirements of Adjudicated Fathers
 114.111 Project Advance Sanctions
 114.113 Project Advance Good Cause for Failure to Comply
 114.115 Individuals Exempt From Project Advance
 114.117 Project Advance Supportive Services

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

114.120	Employment and Training Requirements
114.121	Persons Required to Participate in Project Chance (Repealed)
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements (Repealed)
114.125	Employment and Training Program Orientation (Repealed)
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127	Employment and Training Program Components (Repealed)
114.128	Employment and Training Sanctions (Repealed)
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130	Employment and Training Supportive Services (Repealed)
114.135	Conciliation and Fair Hearings (Repealed)
114.140	Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

114.228 Initial Employment
 114.229 Termination of Employment
 114.230 Exempt Earned Income
 114.235 Recognized Employment Expenses
 114.240 Income From Work/Study/Training Program (Repealed)
 114.241 Earned Income From Self-Employment
 114.242 Earned Income From Roomer and Boarder
 114.243 Earned Income From Rental Property
 114.244 Earned Income In-Kind
 114.245 Payments from the Illinois Department of Children and Family Services
 114.246 Budgeting Earned Income For Contractual Employees
 114.247 Budgeting Earned Income For Non-contractual School Employees
 114.250 Assets
 114.251 Exempt Assets
 114.252 Asset Disregards
 114.260 Deferral of Consideration of Assets (Repealed)
 114.270 Property Transfers (Repealed)
 114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
 114.350 Payment Levels for General Assistance
 114.351 Payment Levels in Group I Counties
 114.352 Payment Levels in Group II Counties
 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
 114.400 Persons Who May Be Included In the Assistance Unit
 114.401 Eligibility of Strikers
 114.402 Special Needs Authorizations
 114.403 Institutional Status
 114.404 Retrospective Budgeting
 114.405 Budgeting Schedule
 114.406 Limitation on Amount of General Assistance to Recipients from Other States
 114.420 Redetermination of Eligibility
 114.430 Extension of Medical Assistance Due to Increased Income from Employment
 114.440 Attorney's Fees for VA Appellants
 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section
 114.450 Child Care

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

114.452 Child Care Eligibility
 114.454 Qualified Provider
 114.456 Notification of Available Services
 114.458 Participant Rights and Responsibilities
 114.462 Additional Service to Secure or Maintain Child Care Arrangements
 114.464 Rates of Payment for Child Care
 114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section
 114.500 Transitional Child Care Eligibility
 114.504 Duration of Eligibility for Transitional Child Care
 114.506 Loss of Eligibility for Transitional Child Care
 114.508 Qualified Provider
 114.510 Notification of Available Services
 114.512 Participant Rights and Responsibilities
 114.514 Child Care Overpayments and Recoveries
 114.516 Fees for Service for Transitional Child Care
 114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.10 Citizenship

EMERGENCY

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below; an alien legally admitted for permanent residence, or an alien admitted under color of law according to the following definitions:

a) Citizenship status -- Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).

b) Non-citizens **Aliens**

1) **Alienage status** --- Persons residing in the U.S., but not citizens by birth or naturalization are considered aliens.

1) The following categories of non-citizens types of aliens may receive assistance, if otherwise eligible:

A) United States veterans honorably discharged and persons on active military duty, and the spouse and unmarried dependent children of such persons;

B) Refugees under Section 207 of the Immigration and Nationality Act (INA);

C) Asylees under Section 208 of the INA;

D) Persons for whom deportation has been withheld under Section 243(h) of the INA;

E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA; and

G) Parolees, for at least one year, under Section 212(d)(5) of the INA.

A) **Immigrants** --- Aliens admitted for permanent residence.

B) **Refugees** --- Persons admitted pursuant to the Refugee Act of

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1980-18-U-S-C-1157-et-seq-1
 C) Political asylees;
 B) Persons granted temporary parole (includes Cuban/Haitian Entrants whose status is pending);
 B) Applicants for asylum from any country;
 F) Aliens who have continuously resided in the U.S. since January 1, 1972;
 G) Aliens granted stays of deportation by court order; statute or regulation; or by individual determination of the Immigration and Naturalization Service (INS) pursuant to 8 U.S.C. 1105(f) or pursuant to INS Operations Instruction 243-3;
 H) Aliens granted deferred action status pursuant to INS Operations Instruction 103-1a-111;
 I) Aliens residing in the United States under order of supervision pursuant to 8 U.S.C. 1252(d);
 J) Aliens whose deportation has been withheld pursuant to 8 U.S.C. 1253(h);
 K) Aliens granted suspension of deportation pursuant to 8 U.S.C. 1254;
 L) Persons permanently residing in the United States with the approval of the Immigration and Naturalization Service (INS) or who are cooperating with INS regarding their status and who are not under a direct final order of deportation;
 M) Persons granted lawful residence status under the Immigration Reform and Control Act of 1986 (Section 201(h)(1)(B) of P.L. 99-603)
 2) Those persons who are in the categories set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States. It does not include persons living in the United States under a student visa or tourist visa or persons who are exchange visitors, temporary workers, intercompany transferees, visitors for business, fiancées of U.S. citizens, diplomats, treaty traders or treaty investors are not permanently residing here so do not meet the citizenship requirement.

682

(Source: Emergency amendment at 21 Ill. Reg. _____, effective January 1, 1997, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers:
120.11 Emergency Action:
120.310 Amendment
 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 1, 1997
- 8) Reason for Emergency: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was enacted August 22, 1996. Many of the new provisions regarding citizenship provide options to the State while several of the provisions regarding current recipients could not be implemented prior to January 1, 1997. Decisions on the options Illinois would adopt have not been made until recently but they must be implemented as soon as possible.
- 9) Complete Description of the Subjects and Issues Involved: The Department is revising its rules on the eligibility for assistance of non-citizens based on the new requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, enacted August 22, 1996.

Illinois has adopted all options for which federal funds or a federal match is available in federal/State programs and has extended those options to fully State-funded programs as well. The following non-citizens are eligible for these programs:

1. persons lawfully admitted for permanent residence;
2. persons paroled into the United States for at least one year;
3. refugees;
4. asylees;
5. persons for whom deportation has been withheld;
6. persons granted conditional entry prior to April 1, 1980; and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

7. veterans and persons on active military duty, and the spouse and unmarried dependent children of such persons.

Persons lawfully admitted for permanent residence and persons paroled into the United States for at least one year, who enter the United States on or after August 22, 1996, shall not be eligible for Department programs for five years after they enter the United States.

There is no citizenship requirement for pregnant women under the MANG-P program in order to cover pre-natal services for these women. The citizenship requirements will apply to children under the MANG-P program. In addition, there is no citizenship requirement for medical care or services necessary for the treatment of an emergency medical condition, including labor and delivery.

Companion amendments are also being proposed to Parts 112, 113, and 114.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.372	Amendment	December 27, 1996 (20 Ill. Reg. 16143)
120.379	Amendment	August 23, 1996 (20 Ill. Reg. 11472)
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Ummuna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and For Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)

EMERGENCY

120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)

120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.200 Elimination of Aid to The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)
120.271 Income From Work/Study/Training Program (Repealed)
120.272 Earned Income From Self-Employment (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 EMERGENCY
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Health Insurance Premium Payment (HIPP) Program
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
 120.326 Foster Care Program
 120.327 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earmarked Income

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

120.346 Medicaid Qualifying Trusts
 120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.363 Earned Income Disregard - MANG(C)
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Provisions for the Prevention of Spousal Impoverishment
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days.

SUBPART B: ASSISTANCE STANDARDS

Section 120.11 Eligibility For Medical Assistance For Pregnant Women and For Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)

- a) Pregnant Women who do not qualify as Mandatory Categorically Needy (MANG(P) Program)
- 1) Eligibility for medical assistance exists for a pregnant woman of any age who does not qualify as mandatory categorically needy (Social Security Act (U.S.C. 1902 (a)(10)(A)(i) and 1905(n)) who meets the following eligibility requirements:
 - A) cooperation in establishing eligibility as described in Section 120.308; who-meets-the-non-financial-requirements-of the-program-in-Section-120-211;-and
 - B) residency as described in Section 120.311; and
 - C) whose countable monthly income does not exceed the MANG(P)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- Income Standard (see Section 120.31).
- 2) The pregnant woman shall be eligible to receive medical assistance until ~~sixty--~~ 60+ days following the last day of pregnancy. The ~~sixty--~~ 60+ day medical coverage continues through the last day of the calendar month in which the ~~sixty--~~ 60+ days period ends. The ~~sixty--~~ 60+ days medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under subsection (a)(1) of this Section ~~above~~ including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.
 - 3) When a pregnant woman is determined eligible for medical assistance under (a)(1) of this Section ~~above~~, income changes occurring after the eligibility determination are not considered through the 60 day postpartum ~~postpartum~~ period following the last day of pregnancy.
 - b) Children born October 1, 1983, or later, who do not qualify as Mandatory Categorically Needy (MANG(P) Program)
 - 1) Eligibility for medical assistance exists for children born October 1, 1983, or later, who do not qualify as mandatory categorically needy (Social Security Act (U.S.C. 1902 (a)(10)(A)(i) and 1905(n)) who meet the following eligibility requirements:
 - A) cooperation in establishing eligibility as described in Section 120.308; who-meets-the-non-financial-requirements-of the-program-in-Section-120-211;-and
 - B) citizenship/alienage status as described in 120.310;
 - C) residency as described in Section 120.311; and
 - D) whose countable monthly income exceeds the MANG(C) or MANG(RABD) income standards (Sections 120.20 and 120.30) but does not exceed the MANG(P) income standard (see Section 120.31).
 - 2) Children born October 1, 1983, or later, shall be eligible to receive medical assistance under subsection (b)(1) of this Section ~~above~~:
 - A) from the date of birth through ~~thru~~ age ~~nineteen--~~ 19+; or
 - B) through ~~thru~~ age ~~nineteen--~~ 19+ if an application is approved for medical assistance; or
 - C) until countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first.
 - 3) When the Department becomes aware of the birth of a child or children ~~child(ren)~~ to a woman determined eligible under subsection (a)(1) of this Section ~~above~~, the child shall be deemed to have applied for medical assistance under subsection (b)(1) of this Section ~~above~~, without written request. The child or children ~~child(ren)~~ shall be eligible to receive medical assistance for the same period of time the mother is receiving medical assistance.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

4) When the child's mother becomes ineligible for medical assistance under subsection (a) of this Section above, the infant retains eligibility for medical assistance until:

- A) up to age one (1) year; or
- B) through thru age nineteen--f 19 if an application is approved for medical assistance; or
- C) countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first; or
- D) if an application is later approved for financial assistance, the child is ineligible for medical assistance under this subsection.

5) When a child is determined eligible for medical assistance under this subsection and there is a change in income which causes countable monthly income to exceed the MANG(P) income standard (see Section 120.31), the child is ineligible for medical assistance under this subsection. Countable income must then be compared to the MANG(C) or MANG(AABD) income standard (see Section 120.20, 120.30) to determine the spend-down amount, if any.

(Source: Emergency amendment at 21 Ill. Reg. 602 2 +, effective January 1, 1997, for a maximum of 150 days)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.310 Citizenship
EMERGENCY

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below an alien-legally-admitted-for-permanent-residence-or-an alien-admitted-under-color-of-law-according-to-the-following-definitions:

- a) Citizenship status -- Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).
- b) Non-Citizens Aliens

1) Alienage-status----Persons-residing-in-the-U-S--but-not-citizens-by--birth-or-naturalization-are-considered--aliens. The following categories of non-citizens types----of----aliens may receive assistance, if otherwise eligible:

- A) United States veterans honorably discharged and persons on active military duty, and the spouse and unmarried dependent children of such persons;
- B) Refugees under Section 207 of the Immigration and Nationality Act (INA);
- C) Asylees under Section 28 of the INA;
- D) Persons for whom deportation has been withheld under Section

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

243(h) of the INA;

- E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- F) Persons lawfully admitted for permanent residence under the INA; and
- G) Parolees, for at least one year, under Section 212(d)(5) of the INA.

2) Those persons who are in the categories as set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

- A) Immigrants----aliens-admitted-for-permanent-residence-
- B) Refugees-----Persons-admitted-pursuant-to-the-Refugee-Act-of-1980-(6-U-S-C--1157-et-seq-)
- C) Political-asylees-
- D) Persons-granted--temporary-parole--(includes--Cuban/Haitian Entrants-whose-status-is-pending-)
- E) Applicants-for-asylum-from-any-country-
- F) Aliens-who--have--continuously--resided--in--the-U-S--since-January-17-1972-
- G) Aliens-granted-stays-of-deportation-by-court-order--statute-or--regulation--or--by--individual--determination--of--the-Immigration-and-Naturalization-Service-(INS)-pursuant--to--8-U-S-C--1105(a)--or--pursuant--to--INS-Operations-Instruction-243-3-
- H) Aliens-granted--deferred--action--status--pursuant--to--INS-Operations-Instruction-103-1a-(i)-
- I) Aliens-residing-in--the--United--States--under--order--of-supervision-pursuant-to-8-U-S-C--1252(d)-
- J) Aliens-whose-deportation-has-been-withheld-pursuant-to-8-U-S-C--1253(h)-
- K) Aliens-granted--suspension--of--deportation--pursuant--to--8-U-S-C--1254-
- L) Persons-permanently-residing-in-the-United-States-with-the-approval--of--the--INS--or--who--are--cooperating--with--the-INS-regarding-their-status-and-who-are-not-under-a-direct--final-order-of-deportation-

2) It--does--not--include--persons--living-in-the-United-States-under-a-student--visa--or--tourist--visa--or--persons--who--are--exchange-visitors--temporary-workers--intercompany--transferees--visitors-for--business--finances--of--U-S--citizens--diplomats--treaty-traders--or--treaty-investors-are-not-permanently-residing-hereu-so-do-not-meet-the-citizenship-requirement-

3) Notwithstanding the provisions of subsections (b)(1) and (2) above, any non-citizen an alien is eligible for medical assistance if such medical care and services are necessary for the treatment of an emergency medical condition of the non-citizen alien, and the non-citizen alien otherwise meets the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

income, asset and categorical requirements of the AABD MAG program or AFDC MAG program. An emergency medical condition is a medical condition (including emergency labor and delivery) of sufficient severity (including severe pain) that the absence of immediate medical attention could result in:

- A) placing the non-citizen's ~~alien's~~ health in serious jeopardy;
- B) serious impairments to bodily functions; or
- C) serious dysfunction of any organ or part (42 U.S.C. 1396(b)(v)).

c) ~~lawful-resident-status-----persons-residing-in--the--U-S--if--granted~~
~~lawful-resident-status-under-the-immigration-reform-and-control-act-of~~
~~1986--(Section--201(h)(3)(A)--and-(B)-of-P.L.-99-663)-are-eligible-for~~
~~the-following-types-of-assistance--if-otherwise-eligible:~~

1) AABD-MAG;

2) AFDC-MAG; if:

A) ~~the-individual-is-a-child-under-age-18--or~~

B) ~~the-individual-is-a-pregnant-woman;~~

(Source: Emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Emergency Action:
 140.463 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: December 31, 1996

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: December 31, 1996

8) Reason for Emergency: These emergency amendments are being filed in conjunction with the Department's effort to ensure that access to necessary health care services is maintained during the transition period to managed care under MediPlan Plus. These amendments provide transitional payments for Federally Qualified Health Centers and certain encounter rate clinics for managing the health care needs of some clients under their care. Immediate implementation of these amendments is necessary to maintain the viability of clinics and providers that are critical to the delivery of primary health care services to the Medicaid population.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments provide transitional payments for Federally Qualified Health Centers (FQHC) and certain encounter rate clinics for managing the health care needs of some clients under their care.

These changes concerning reimbursement for clinic services are a component of the Department's plan to ensure that access to health care is maintained and enhanced during this transition period to managed care under MediPlan Plus. It is expected that these new transitional payments will assist clinics in managing the health care of certain clients, maintain viability of providers that are critical to the delivery of primary care services to the Medicaid population, and encourage participation by providers in MediPlan Plus.

It is anticipated that transitional payments to clinics under these emergency amendments will result in an increase in expenditures of approximately \$1.5 million for fiscal year 1997.

10) Are there any Proposed Amendments pending to this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
140.569	Amendment	July 26, 1996 (20 Ill. Reg. 9810)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
217/524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 Voucher Advance Payment and Expedited Payments
 140.72 Drug Manual (Recodified)
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 Hospital Services Trust Fund
 140.95 General Requirements (Recodified)
 140.96 Special Requirements (Recodified)
 140.97 Covered Hospital Services (Recodified)
 140.98 Hospital Services Not Covered (Recodified)
 140.99 Limitation On Hospital Services (Recodified)
 140.100 Transplants (Recodified)
 140.101 Heart Transplants (Recodified)
 140.102 Liver Transplants (Recodified)
 140.103 Bone Marrow Transplants (Recodified)
 140.104 Disproportionate Share Hospital Adjustments (Recodified)
 140.110 Payment for Inpatient Services for GA (Recodified)
 140.116 Hospital Outpatient and Clinic Services (Recodified)
 140.117 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.200 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.201 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.202 Limits on Length of Stay by Diagnosis (Recodified)
 140.203 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.300 Copayments (Recodified)
 140.350 Payment Methodology (Recodified)
 140.360

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Items - Podiatry
 140.428 Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
EMERGENCY	
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichex Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports-Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.560 Components of the Base Rate Determination
 140.561 Support Costs Components
 140.562 Nursing Costs
 140.563 Capital Costs
 140.565 Koshier Kitchen Reimbursement
 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
 140.569 Clients With Exceptional Care Needs
 140.570 Capital Rate Component Determination
 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)
 140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.583 Campus Facilities
 140.584 Illinois Municipal Retirement Fund (IMRF)
 140.590 Audit and Record Requirements
 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
 140.643 In-Home Care Program
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.647 Description of Developmental Training (DT) Services
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date Of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
 140.902 Service Needs (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)
SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM	
Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medichex Recommended Screening Procedures (Repealed)
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services
AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].	
SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;	

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13398, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140-71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914, Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207, Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717; effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17779, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5958, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. ~~705~~, effective December 31, 1996, for a maximum of 150 days.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.463 Clinic Service Payment

EMERGENCY

a) Hospital-Based Organized Clinics

- 1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
 - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with 89 Ill. Adm. Code 148.140.
- b) Encounter Rate Clinic. Payment shall be made at the lesser of:
- 1) The clinic's approved all inclusive interim per encounter rate as of May 1, 1981; or
 - 2) \$50.00 per encounter; or

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

3) the clinic charge to the general public.

c) Federally Qualified Health Centers (FQHC)

1) Medical Encounter Rate

A) Payment for services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid supplemental Schedules A, B and C reflecting the actual costs of delivering encounter services as listed in Section 140.462(d)(2).

B) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.

C) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.

D) Allowable costs will be updated to the midpoint of the rate year by an inflation factor derived from published economic indices.

E) Interim payment for covered services rendered by FQHCs enrolled as of March 31, 1990, for which no audited costs are available shall be made at the individual FQHC rate in effect on March 31, 1990, as established by the Department.

F) Interim payment for covered services rendered by FQHCs enrolled between March 31, 1990 and January 1, 1991, shall be made at the higher of:

i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Center or Federally Funded Health Center Services; or

ii) the 75th percentile of the statewide range of the Department's established encounter clinic rates (as defined in subsection (a) above) as of March 31, 1990.

G) Payment shall be made at the interim rate to FQHCs enrolled before January 1, 1991, for covered services rendered from the later of the date of enrollment or April 1, 1990, until the certified date of provider receipt of the cost-based rate established by the Department for that provider.

H) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(1)(A) above, the Department shall reconcile interim payments made for covered services.

i) Rate retroactivity from April 1, 1990, will only apply to clinics enrolled as of March 31, 1990, which submit an application to the Public Health Service for

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.

ii) If the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each claim paid at the interim rate.

iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future service claims.

I) Interim payment for covered services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the higher of:

i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Centers and Federally Funded Health Centers Services; or

ii) the median of the statewide range of the Department's established cost-based FQHC rates in effect at the time of enrollment.

J) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered services rendered between the date of enrollment and 30 days after the date of Department receipt of the complete and correct cost report of the provider. Payment for covered medical services rendered by the provider 30 days after Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate methodology.

K) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(1)(A) of this Section within 90 days of the certified date of receipt of the forms, the Department shall suspend payment for covered medical services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

L) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(1)(A) of this Section, within 90 days after the later of the end of the sixth month of operation or the certified mail date of receipt of the forms. The rate calculated from these costs will be in effect for services rendered on and after the first day of the month following the month of receipt of

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

the required fiscal information by the Department.

- M) The Department will not process a claim for payment of FQHC services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.

2) Dental Encounter Rate

- A) Payment for dental services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid supplemental Schedules A, B, and C reflecting the actual costs of delivering dental services.
- B) Direct costs related to operation of the clinic in order to provide allowable dental services will be reported on the cost report and used in the rate calculation process.
- C) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.
- D) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
- E) Allowable costs will be updated to the mid point of the rate year by an inflation factor derived from published economic indices.
- F) Payment for covered dental services shall be made by the Department's prepaid dental service contractor.
- G) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(2)(A) above, the Department's prepaid dental service contractor shall reconcile interim payments made for covered dental services.
- i) Rate retroactivity will only apply to clinics enrolled as of March 31, 1990 which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.
 - ii) If the cost-based rate is higher than the interim rate, the Department's prepaid dental service contractor shall pay the provider the rate differential for each claim paid at the interim rate.
 - iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate.
- H) Interim payment for covered dental services rendered by

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

FQHCs enrolled on or after January 1, 1991 shall be made at the median of the statewide range of the Department's established cost-based FQHC dental rates in effect at the time of enrollment.

- I) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered dental services rendered between the date of enrollment and 30 days after the date of the Department receipt of the complete and correct cost report of the provider. Payment for covered dental services rendered by the provider after 30 days of Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate.
- J) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(2)(A) above within 90 days of the certified mail date of receipt of the forms, the Department's prepaid dental service contractor shall suspend payment for covered dental services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.
- K) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(2)(A) within 90 days after the later of the end of the sixth month of operation or the certified date of receipt of the forms. The rate calculated from these costs will be in effect for dental services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.
- 3) Rate Appeals Process
- A) All appeals of audit adjustments or rate determinations must be submitted in writing to the Department. Appeals submitted within 30 calendar days of the rate notification, if upheld, shall be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month following the date the completed appeal was submitted. Appeals for any rate year must be filed before the close of the rate year.
 - B) To be accepted for review, the written appeal shall include:
 - i) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
 - ii) A clear, concise statement of the basis for the appeal;
 - iii) A detailed statement of financial, statistical, and related information in support of the appeal.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;

- iv) A citation to any mandated or contractual requirement pertinent to the appeal; and
- v) A statement by the provider's chief executive officer or financial officer that the application of the rate appeal and information contained in the vendor's reports, schedules, budgets, books, and records submitted are true and accurate.

C) Rate appeals may be considered for the following reasons:

- i) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
- ii) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.
- iii) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
- iv) Substantial treatment service charges are required as a result of mandated regulatory charges.
- v) Substantial changes in the physical plant are required as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.

- vi) State and/or Federal regulatory requirements have generated a substantial increase in allowable costs.

D) The Department shall rule on all appeals within 120 calendar days of receipt of the appeal except that, if additional information is required from the facility, the period shall be extended until such time as the information is provided.

- E) Appeals shall be submitted to the Department's Bureau of Comprehensive Health Services, 3rd floor Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763.

d) Maternal and Child Health Clinics. Payment shall be made in accordance with Section 140.930.

e) Transitional Payments for FQHC's and Certain Encounter Rate Clinics

- 1) Certain clinics will be eligible to receive monthly transitional payments for managing the health care needs of certain clients under their care beginning December 1996. Certain clinics will be eligible to receive transitional payments for the month of December 1996, and monthly thereafter, under the conditions described in this subsection. To receive monthly transitional

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

payments, clinics must:

A) be either:

- i) a Federally Qualified Health Center, as defined in Section 140.462(d), or
 - ii) an Encounter Rate Clinic, as defined in Section 140.462(b), that has provided comprehensive health services to Medicaid clients prior to December 1996;
- B) have a signed transitional payment contract with the Department; and
- C) have a contract with a Health Maintenance Organization (HMO) or Prepaid Health Plan (PHP) that has a contract to provide comprehensive health services, or, upon the implementation of MediPlan Plus, have a contract with a Managed Care Entity (MCE).

2) Transitional payments to a clinic will consist of a per member per month payment for any Illinois Medicaid client enrolled with a HMO or PHP or, upon the implementation of MediPlan Plus, a MCE, for whom the clinic was their assigned care provider on the last day of the month.

3) For the first six months covered under a transitional payment contract, the Department will make transitional payments for any number of Medicaid clients enrolled with a HMO, PHP or MCE and assigned to the qualifying clinic as their primary care site. Thereafter, qualified clinics will receive transitional payments for a given month only if the total number of Medicaid clients enrolled with a HMO, PHP or MCE and assigned to the qualifying clinic, meets or exceeds the following threshold levels established in the qualifying clinic's transitional payment contract for that month:

A) For the seventh through twelfth month, such threshold shall equal 20 percent of the qualifying clinic's Medicaid patient base;

B) For the thirteenth through eighteenth month, such threshold shall equal 30 percent of the qualifying clinic's Medicaid patient base;

C) For the nineteenth through twenty-fourth month, such threshold shall equal 40 percent of the qualifying clinic's Medicaid patient base;

D) For the twenty-fifth month through the term of the contract, such threshold shall equal 50 percent of the qualifying clinic's Medicaid patient base.

4) The Medicaid patient base shall be a number mutually agreed to by the Department and the qualifying clinic and established in the transitional payment contract that equals the number of Medicaid clients registered as patients of the qualifying clinic as of November 1996.

5) Transitional payments shall equal:

A) eight dollars per member per month for the first 12-month

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

period after the clinic's effective date of a contract with the Department;

B) six dollars per member per month for the second 12-month period after the clinic's effective date of a contract with the Department;

C) two dollars per month for the third 12-month period after the clinic's effective date of a contract with the Department.

6) Total transitional payments under subsection (e) shall not exceed:

A) \$2,625,000 through June 30, 1997;

B) \$4,500,000 for each 12-month period thereafter that begins on July 1 and ends on June 30 of the following year.

7) In the event that payments exceed the limits described in subsection (e)(6) above, the Department will adjust future payments to clinics to recover any excess payment.

8) No clinic qualifying under subsection (e) shall receive transitional payments beyond the earlier of:

A) three years from the effective date of a clinic's signed contract, or

B) June 30, 2000.

(Source: Emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days)

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

The Illinois Affordable Housing Act (310 ILCS 65/1 et seq. the "Act") established the Illinois Affordable Housing Program (the "Program") to provide affordable housing to low and very low income persons and families. The Act established the Illinois Affordable Housing Trust Fund (the "Trust Fund") within which is deposited 50% of the collections from the State real estate transfer tax. The Trust Fund monies fund the Program.

Funds are distributed and made available under the Program through two subprograms. The Housing Trust Fund ("HTF") program which has been in operation since the establishment of the Program provides subordinate gap financing or grants in a maximum amount of \$500,000 per applicant per year. In 1994, the Authority created the Trust Fund Bond (TFB) Program. The TFB Program was created by leveraging Trust Fund monies to securitize and collateralize private taxable bond issues. The Bonds were sold in two funds. Funds from the sale of the bonds were then used to provide first mortgage loans to eligible developers of multi-family developments. No additional Bond sales are planned.

The Act creates an Advisory Commission (the "Commission") to advise the Illinois Housing Development Authority (the "Authority") as to the operation of the Program. The Act provides that the Commission carry out certain responsibilities, including the development and publication of a plan. Section 17(a) of the Act requires the Commission to prepare and publish in the Illinois Register a plan which describes the resources available to the Program, the application process for the Program, and the initial priorities for expenditure of the available resources. Pursuant to Section 17(a) of the Act, the Advisory Commission to the Illinois Affordable Housing Program has prepared the following plan.

I. Available Resources

Based on a review of the Program and projections by the Illinois Department of Revenue, the monies available to be spent on the Program in fiscal year 1997 shall be approximately \$20 million. Of the total monies available, approximately \$5.4 million has been pledged to the TFB Program.

II. Application Process

The applicant must first complete an application form created by the Authority. The application requests, among other things, the following information:

- a. A general description of the proposed project.
- b. The total number of units, total number of low and very low income units, unit size and mix, and the respective rents or purchase prices to be charged.

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

- c. A breakdown of the project budget's uses and sources.
- d. A development plan which outlines the project's completion schedule and identifies the project's participants and anticipated funding sources.
- e. The background, housing experience, and financial status of the applicant.

The Authority charges a \$250 application fee to non-profit organizations and \$500 to for-profits which must accompany the HTF application.

After the applicant submits the application, the Authority will review it to determine whether the project, as proposed, satisfies the purposes and requirements of the Act and the Rules promulgated thereunder. The Authority will notify the applicant within approximately 30 days if the application fails to meet these requirements. If the application meets these basic requirements the Authority staff, in cooperation with the applicant, will establish and obtain the additional information necessary to properly evaluate the project. The Authority staff will then analyze the project's feasibility. Based on this analysis, the Authority will make its recommendation to the Commission. The recommendations of the Authority staff together with those of the Commission will then be presented to the Authority's Board of Directors (the "Board") for approval consideration. Prior to the Board review, the Authority will notify parties interested in the application, including local officials, of the details of the project. Upon approval by the Board, the Authority staff will deliver a conditional commitment to the applicant.

III. Priorities

The following statement represents the initial priorities for the evaluation of Program applications. The priorities and goals stated below represent guidelines to be followed in evaluating applications and are not intended to be exhaustive. The Commission may modify these priorities and goals as the Program evolves.

- a) Priority should be given to those HTF applications which demonstrate that the applicant has explored and exhausted other available public and private resources.
- b) Priority should be given to those projects which provide the most affordable housing for the longest period of time, with a goal of ensuring that some Trust Fund monies be directed to the lowest income population.
- c) The Program should ensure an equitable distribution of Trust Fund

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

monies across the State by establishing a goal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 24, 1996 through December 30, 1996 and have been scheduled for review by the Committee at its January 21, 1997 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/6/97	Office of Banks and Real Estate, Real Estate Appraiser Certification (68 Ill Adm Code 1455)	9/13/96 20 Ill Reg 12311	1/21/97
2/6/97	Department of Revenue, Retailers' Occupation Tax" (86 Ill Adm Code 130)	11/1/96 20 Ill Reg 14161	1/21/97
2/6/97	Department of Revenue, Service Occupation Tax (86 Ill Adm Code 140)	11/1/96 20 Ill Reg 14175	1/21/97
2/6/97	Department of Revenue, Hotel Operators' Occupation Tax Act" (86 Ill Adm Code 480)	8/30/96 20 Ill Reg 11903	1/21/97
2/6/97	Department Revenue, Salem Civic Center Retailers' Occupation Tax (86 Ill Adm Code 690)	8/30/96 20 Ill Reg 11910	1/21/97
2/6/97	Department of Revenue, Salem Civic Center Service Occupation Tax (86 Ill Adm Code 691)	8/30/96 20 Ill Reg 11918	1/21/97
2/6/97	Department of Revenue, Salem Civic Center Use Tax (86 Ill Adm Code 692)	8/30/96 20 Ill Reg 11923	1/21/97
2/6/97	Teachers' Retirement System of the State of Illinois, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	11/8/96 20 Ill Reg 14368	1/21/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/8/97	Department of Public Aid, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)	8/30/96 20 Ill Reg 11573	1/21/97
2/8/97	Department of Agriculture, Fairs Operating Under the Agricultural Fair Act (8 Ill Adm Code 260)	11/8/96 20 Ill Reg 14298	1/21/97
2/12/97	Department of Insurance, Repeal of Pension and Examination (50 Ill Adm Code 6301)	10/4/96 20 Ill Reg 12983	1/21/97
2/12/97	Department of Insurance, Examination and Audit Procedure (50 Ill Adm Code 4401)	10/4/96 20 Ill Reg 12977	1/21/97

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

17-650-2 89-120-2
17-660-2 89-140-2
17-670-2
17-850-1
20-405-2
20-415-2
35-201-1
35-211-1
71-400-1
80-1540-1
80-1650-1
89-112-2
89-113-2
89-114-2
89-120-2
89-407-1
89-590-1

ADOPTED

2-560-1
4-1100-2
17-590-2
17-2650-2
35-302-1
35-304-1
38-307-2
38-370-2
68-1220-1
77-1190-1
89-102-2
89-117-1
92-1002-1

EMERGENCY

20-405-2
20-415-2
20-525-2
20-701-2
20-1520-2
80-1540-1
80-1650-1
89-112-2
89-113-2
89-114-2

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